PLEDGE

Pages Susan Evans, daughter of Commissioner Evans, Rachel Tanner and Sara Tanner led the Commission in the pledge of allegiance to the flag of the United States of America.

SPECIAL GUESTS

Commissioner Evans introduced her husband, Bob, and Angela Tanner, mother of Rachel and Sara, who were present in the gallery.

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Style and Drafting Committee would meet at 9:30 a.m., Wednesday, March 18.

MATTERS ON RECONSIDERATION

The Commission resumed consideration of—

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.

—which was reconsidered February 26.

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

Amendment 4—On page 1, line 15 through page 3, line 6, delete all of said lines and insert:

ARTICLE VII
FINANCE AND TAXATION

SECTION 19. Tax Fairness Initiative Exemptions and Exclusions from General State Sales Tax—

(a) PUBLIC DISCLOSURE OF EXEMPTIONS AND EXCLUSIONS. Each general law granting and exemption to or exclusion from the state sales tax shall contain only one exemption or exclusion and shall contain a declaration that the exemption or exclusion advances the state public purposes of encouraging economic development and competitiveness; supporting educational, governmental, religious, or charitable initiatives or institutions; or securing tax fairness.

(b) TAX FAIRNESS INITIATIVE. The legislature shall reduce the state sales tax rate in one or more general bills to a rate not greater than five percent for the state fiscal year 2000-2001 and shall maintain revenue neutrality for such fiscal year by taxing currently excluded services or currently exempted sales of goods, other than food, prescription drugs, medical services, and residential household rent, electricity and heating fuel.

(c) REVENUE NEUTRALITY GUARANTEE. The general state sales tax revenues provided for by general law for state fiscal year 2000-2001 shall be the same as such tax revenues which were collected during the prior fiscal year, as adjusted by average historical growth during the last five years. 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 for school purposes under the established public school funding formula.

(d) This section shall become effective upon approval by the electors.
Commissioner Nabors moved Committee Substitute for Proposal 6 as amended which failed. The vote was:

Yea—17

Anthony—Evans
Barkdull—Ford-Coates
Barton—Henderson
Brochin—Kogan
Butterworth—Lowndes

Nays—18

Alfonso—Evans
Argiz—Freidin
Barnett—Hawkes
Connor—Jennings
Corr—Langley

MOTION

On motion by Commissioner Barkdull, by two-thirds vote debate on proposals reported by the Style and Drafting Committee was limited to ten minutes per side and two minutes for closing.

SPECIAL ORDER

The following report was read and adopted on February 24:

REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

February 24, 1998

The Rules and Administration Committee submits the following report regarding the process for the week of February 23-27, 1998:

1. Week of February 23-27, 1998—each proposal committed to Style and Drafting will be considered for a second time.

2. Less than simple majority—proposal is defeated.

Simple majority but less than 22 votes—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

22 or greater vote—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

3. March 17, 1998

A. If a proposal is NOT brought for re-vote, the vote taken during the week of February 23-27 is the vote on the matter. All proposals with 22 or greater votes are re-committed to Style and Drafting for grouping. All other proposals are defeated.

B. If a proposal IS brought for re-vote (at the request of 5 members), the proposal is before the Commission and available for amendment by simple majority. Proposals on re-vote must receive 22 votes to be re-committed to Style and Drafting for grouping.


Style and Drafting will present groupings for the consideration of the full Commission. Amendments to proposals and grouping require 22 votes.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

At the request of five members of the Commission—

Committee Substitute for Committee Substitute for Proposal 45—A proposal to revise ARTICLE IV, s. 9, Fla. Const.; creating the Fish and Wildlife Conservation Commission to be composed initially of the existing members of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission and providing for the powers and duties of the commission.

—as amended was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Mills and adopted:

Amendment 1—On page 1, lines 21 and 22, delete “for future generations”

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

Yea—23

Alfonso—Ford-Coates
Barkdull—Freidin
Barnett—Henderson
Brochin—Jennings
Butterworth—Kogan
Evans—Jensens

Nays—12

Alfonso—Evans
Argiz—Corr
Barnett—Evans
Connor—Jennings
Corr—Langley

Amendment 2—On page 3, line 7, delete “water aquatic life,” and insert: “freshwater aquatic life” after “wild animal life”

At the request of five members of the Commission—

Committee Substitute for Committee Substitute for Proposal 36 and 38—a proposal to revise 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.

—as amended was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Mills and adopted:

Amendment 1—On page 1, lines 21 and 22, delete “for future generations”

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

Yea—17

Anthony—Evans
Barkdull—Ford-Coates
Barton—Henderson
Brochin—Kogan
Butterworth—Lowndes

Nays—18

Alfonso—Evans
Argiz—Freidin
Barnett—Hawkes
Connor—Jennings
Corr—Langley

MOTION

On motion by Commissioner Barkdull, by two-thirds vote debate on proposals reported by the Style and Drafting Committee was limited to ten minutes per side and two minutes for closing.

SPECIAL ORDER

The following report was read and adopted on February 24:

REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

February 24, 1998

The Rules and Administration Committee submits the following report regarding the process for the week of February 23-27, 1998:

1. Week of February 23-27, 1998—each proposal committed to Style and Drafting will be considered for a second time.

2. Less than simple majority—proposal is defeated.

Simple majority but less than 22 votes—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

22 or greater vote—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

3. March 17, 1998

A. If a proposal is NOT brought for re-vote, the vote taken during the week of February 23-27 is the vote on the matter. All proposals with 22 or greater votes are re-committed to Style and Drafting for grouping. All other proposals are defeated.

B. If a proposal IS brought for re-vote (at the request of 5 members), the proposal is before the Commission and available for amendment by simple majority. Proposals on re-vote must receive 22 votes to be re-committed to Style and Drafting for grouping.


Style and Drafting will present groupings for the consideration of the full Commission. Amendments to proposals and grouping require 22 votes.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

At the request of five members of the Commission—

Committee Substitute for Committee Substitute for Proposal 45—A proposal to revise ARTICLE IV, s. 9, Fla. Const.; creating the Fish and Wildlife Conservation Commission to be composed initially of the existing members of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission and providing for the powers and duties of the commission.

—as amended was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Mills and adopted:

Amendment 1—On page 1, lines 21 and 22, delete “for future generations”

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

Yea—23

Alfonso—Ford-Coates
Barkdull—Freidin
Barnett—Henderson
Brochin—Jennings
Butterworth—Kogan
Evans—Jensens

Nays—12

Alfonso—Evans
Argiz—Corr
Barnett—Evans
Connor—Jennings
Corr—Langley

MOTION

On motion by Commissioner Barkdull, by two-thirds vote debate on proposals reported by the Style and Drafting Committee was limited to ten minutes per side and two minutes for closing.

SPECIAL ORDER

The following report was read and adopted on February 24:

REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

February 24, 1998

The Rules and Administration Committee submits the following report regarding the process for the week of February 23-27, 1998:

1. Week of February 23-27, 1998—each proposal committed to Style and Drafting will be considered for a second time.

2. Less than simple majority—proposal is defeated.

Simple majority but less than 22 votes—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

22 or greater vote—proposal is presented at public hearing and is available for re-vote on March 17th (at the request of 5 members).

3. March 17, 1998

A. If a proposal is NOT brought for re-vote, the vote taken during the week of February 23-27 is the vote on the matter. All proposals with 22 or greater votes are re-committed to Style and Drafting for grouping. All other proposals are defeated.

B. If a proposal IS brought for re-vote (at the request of 5 members), the proposal is before the Commission and available for amendment by simple majority. Proposals on re-vote must receive 22 votes to be re-committed to Style and Drafting for grouping.


Style and Drafting will present groupings for the consideration of the full Commission. Amendments to proposals and grouping require 22 votes.

Respectfully submitted,
Thomas H. Barkdull, Jr.
Chairman

At the request of five members of the Commission—

Committee Substitute for Committee Substitute for Proposal 36 and 38—a proposal to revise 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.
The vote was:

Yeas—19

Barnett     Freidin     Langley     Morsani
Barton      Hawkes     Lowndes     Nabors
Connor      Henderson  Marshall    Sundberg
Crenshaw    Jennings   Mathis     Thompson
Ford-Coates Kogan      Mills

Nays—17

Alfonso     Butterworth Riley      Wetherington
Anthony     Corr        Rundle     Zack
Argiz       Evans       Scott
Barkdull    Evans-Jones Marshall    Smith
Brochin     Planas      West

On motion by Commissioner Henderson, Committee Substitute for Committee Substitute for Proposal 45 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—36

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

Nays—None

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.

—as amended was read. No further action was taken and Committee Substitute for Proposal 64 was recommitted to the Style and Drafting Committee.

At the request of five members of the Commission—

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.

—as amended was read and considered by the Commission.

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

Amendment 1—On page 3, lines 9-12, delete all of said lines and insert:

(f) A county or municipality may be authorized by general law to grant ad valorem tax exemptions for real property used for conservation purposes as defined by general law.

On motion by Commissioner Henderson, Proposal 102 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—31

Alfonso     Evans-Jones Lowndes    Rundle
Anthony     Ford-Coates Marshall   Scott
Argiz       Freidin     Mathis     Smith
Barkdull    Hawkes      Mills      Sundberg
Barnett     Henderson  Morsani    Wetherington
Brochin     Jennings   Nabors     Thompson
Butterworth Kogan      Planas     Zack
Crenshaw    Langley    Riley

Nays—5

Barton     Corr        Evans     West
Connor

Proposal 135—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; allowing a local option tax exemption for owners of land used for conservation purposes; providing for authorization by general law.

—was read and considered by the Commission.

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

Amendment 1—On page 3, lines 9-12, delete all of said lines and insert:

(f) A county or municipality may be authorized by general law to grant ad valorem tax exemptions for real property used for conservation purposes as defined by general law.

On motion by Commissioner Henderson, Proposal 135 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—35

Alfonso     Corr        Langley    Rundle
Anthony     Crenshaw   Lowndes    Scott
Argiz       Evans       Marshall   Smith
Barkdull    Evans-Jones Mathis     Sundberg
Barnett     Ford-Coates Mills      Thompson
Barton      Freidin     Morsani   West
Brochin     Hawkes      Nabors     Wetherington
Butterworth Henderson Nabors     Thompson
Connor      Jennings   Planas     Zack
Crenshaw    Langley    Riley

Nays—None

Proposal 2—A proposal to revise ARTICLE I, s. 2, Fla. Const.; authorizing governmental agencies to take actions to remedy the effects of past discrimination in the areas of public employment, public housing, public accommodations, public education, and the public procurement of goods and services.

—as amended was read and no further action was taken. Proposal 2 failed to receive the required 22 votes on February 25.
Proposal 5—A proposal to revise ARTICLE I, s. 2, Fla. Const.; prohibiting discrimination based on national origin.

—was read. No further action was taken and Proposal 5 was recommitted to the Style and Drafting Committee.

COMMISSIONER THOMPSON PRESIDING

At the request of five members of the Commission—

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 and considered by the Commission.

CHAIRMAN DOUGLASS PRESIDING

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

Yeas—31

Alfonso       Corr       Lowndes       Rundle
Anthony       Crenshaw   Marshall      Scott
Argiz         Evans-Jones Mathis       Smith
Barkdull      Ford-Coates Mills       Sundberg
Barnett       Freidin     Morsani      Thompson
Barton        Henderson   Nabor         Wetherington
Brochin       Jennings   Planas       Zack
Butterworth   Kogan       Riley        

Nays—5

Connor        Hawkes      Langley      West
Evans         

STATEMENT OF INTENT WITH REGARDS TO PROPOSAL 11

As a sponsor of that proposal, I state unequivocally that in offering this proposal I do not intend and have never intended for it to form the basis for a right to same sex marriage in this state. Furthermore, I am satisfied that adoption of this proposal by the voters would not confer such a right.

Ellen C. Freidin
Commissioner

Commissioner Freidin read the following statement which was published in the Journal at the direction of the Chairman.

Statement of Patrick O. Gudridge, University of Miami School of Law, regarding Proposal 11:

Several commissioners have asked me to summarize briefly the oral presentations that I made in Fort Lauderdale and St. Petersburg and, in the process, address the question of the implications of Proposal 11 in the DBE (disadvantaged business enterprise) setting.

1. The addition of the phrase "women and men alike" to existing Article I, Section 2, will not legalize same sex marriage in Florida. The Hawaii Supreme court plurality opinion reasons from language in the Hawaii constitution that bars discrimination "because of . . . sex." That language, the Hawaii judges thought, makes any legislative reference to men and women constitutionally suspect. Proposal 11, in sharp contrast, treats as proper legislative references to men and women "alike". As the dissenting judge in the Hawaii case noted, the exclusion of same sex marriage there treated "women and men alike"—nether men nor women could enter into same sex marriages. The Alaska superior court decision rests on a reading of an Alaska constitutional right to privacy. This opinion therefore is irrelevant to the question of the meaning of "women and men alike." Moreover, the interpretation of privacy rights in this case is flatly inconsistent with Florida law—which holds that public acts (presumably including marriage) do not give rise to reasonable expectations of privacy.

2. Florida Administrative Code, Title 14, chapter 14, section 78.002(18)(a) includes women within its list of "socially and economically disadvantaged individuals." "Disadvantaged business enterprises" (DBEs) with a sufficient number of such individuals acquire opportunities to participate in government-funded construction projects. (Details are not relevant here.) Women, like other listed groups, are "presumed to be disadvantaged" but "this presumption is rebuttable." Addition of the phrase "women and men alike" to Article I, Section 2, would not (I think) give women—unlike other included groups—rebuttable status as "economically disadvantaged." If the presumption of disadvantage is rebutted in particular cases, it means (by definition) that particular women are at no disadvantage relative to men, and thus these women are treated as "alike" being excluded from the list.

3. Is "women and men alike" redundant language given the existing constitutional declaration that "[a]ll natural persons are equal before the law"? In answering this question, it is important to note that in 1968 there was relatively little constitutional caselaw considering the question of whether constitutional equality obligations limited legislative or administrative differences in treatment of men and women. Strictly speaking, therefore, it is not easy to read the 1968 language, in its original context, as dealing directly with "women and men alike." Article I, section 2, as it now stands, marks discrimination on the basis of religion, race, and physical handicap as constitutionally suspect. No reference whatsoever to "women and men alike" may therefore carry (for some readers) a negative implication—that differences in treatment of this sort are not constitutionally controversial.

Committee Substitute for Proposal 14—A proposal to revise ARTICLE I, s. 2, Fla. Const.; changing the term "physical handicap" to "physical disability."

—was read. No further action was taken and Committee Substitute for Proposal 14 was recommitted to the Style and Drafting Committee.

At the request of five members of the Commission—

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 and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes and adopted:

Amendment 1—On page 1, lines 16-19, delete the underlined language and insert: "In any action for personal injury or wrongful death, the right of a person to recovery shall not be denied or abridged because of age."

Commissioner Zack moved Proposal 58 as amended which failed.

The vote was:

Yeas—15

Butterworth   Henderson   Riley       Wetherington
Connor        Kogan       Rundle      Zack
Evans         Langley     Smith        

Nays—20

Alfonso       Brochin     Jennings     Nabor
Argiz         Corr        Lowndes     Planas
Barkdull      Crenshaw   Marshall    Scott
Barnett       Evans-Jones Mathis       Mills
Barton        Ford-Coates Morsani     West

At the request of five members of the Commission—

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

—was read and considered by the Commission.
Commissioner Butterworth moved the following amendment to the proposal as engrossed which failed:

**Amendment 1**—On page 1, line 17, after the comma (,) insert: except with respect to prisoners in jails, prisons, or other correctional facilities.

The vote was:

Yeas—18
- Mr. Chairman Butterworth
- Anthony
- Barkdull
- Barnett
- Brochin

Nays—18
- Alfonso
- Argiz
- Barton
- Connor
- Corr

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

Yeas—22
- Mr. Chairman Butterworth
- Anthony
- Argiz
- Barton
- Brochin
- Connor
- Corr

Nays—13
- Alfonso
- Argiz
- Barton
- Butterworth
- Corr

**RECESS**

The Chairman declared the Commission in recess at 12:02 p.m. to reconvene at 12:32 p.m.

**AFTERNOON SESSION**

The Commission was called to order by the Chairman at 12:56 p.m. A quorum present—37:

Mr. Chairman Corr
- Alfonso
- Anthony
- Argiz
- Barton
- Brochin
- Butterworth
- Corr

Alternates:
- Leesfield
- Logan

**SPECIAL GUEST**

Commissioner Riley introduced her husband, Odin Toness, who was present in the gallery.

**SPECIAL ORDER, continued**

At the request of five members of the Commission—

Committee Substitute for Proposal 16—A proposal to create ARTICLE VI, s. 7, Fla. Const., and ARTICLE XII, s. 23, Fla. Const.; providing for public financing of campaigns for elective statewide office and for spending limits.

—was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes and adopted:

**Amendment 1**—On page 1, line 24, delete “has agreed to spending limits” and insert: uses public funds

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

**Amendment 2**—On page 1, line 21, delete “sufficient”

**COMMISSIONER THOMPSON PRESIDING**

On motion by Commissioner Douglass, Committee Substitute for Proposal 16 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—24
- Mr. Chairman Butterworth
- Anthony
- Argiz
- Barton
- Brochin
- Connor
- Corr

Nays—12
- Alfonso
- Argiz
- Barton
- Butterworth
- Corr

At the request of five members of the Commission—

Committee Substitute for Proposal 79—A proposal to revise ARTICLE VI, s. 1, Fla. Const.; providing that requirements for placing the name of a candidate with no party affiliation or minor party candidate on an election ballot must not be greater than the requirements for major party candidates.

—was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes and adopted:

**Amendment 1**—On page 1, lines 20-25, delete the underlined language and insert: however, the requirements for a candidate with no party affiliation, or for a candidate of a minor party, for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters

On motion by Commissioner Riley, Committee Substitute for Proposal 79 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—33
- Alfonso
- Anthony
- Argiz
- Barton
- Brochin
- Butterworth
- Corr

Nays—None

214
At the request of five members of the Commission—

Proposal 128—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing for primary elections.

—was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Ford-Coates and adopted:

Amendment 1—On page 1, line 8, delete everything after the proposing clause and insert:

Section 1. Section 5 of Article VI of the Florida Constitution is revised by amending that section to read:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 5. Primary, general, and special elections.—

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

On motion by Commissioner Ford-Coates, Proposal 128 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—25

Mr. Chairman Connor Mathis Sundberg
Alfonso Evans-j ones Mills Thompson
Anthony Ford-Coates Morsani Wetherington
Argiz Freidin Nabor Zack
Barnett Kogan Riley
Brochin Lowndes Rundle
Butterworth Marshall Smith
Nays—12

Barkdull Crenshaw Henderson Planas
Barton Evans Jennings Scott
Corr Hawkes Langley West

At the request of five members of the Commission—

Proposal 149—A proposal to revise ARTICLE IV, s. 5, Fla. Const.; providing for the candidate for the office of governor to run without a lieutenant governor candidate.

—was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Mills and adopted:

Amendment 1—On page 1, lines 21-23, delete the underlined language and insert: In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate.

On motion by Commissioner Scott, Proposal 149 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—31

Alfonso Crenshaw Langley Runde
Anthony Evans Marshall Scott
Argiz Evans-j ones Mathis Smith
Barkdull Ford-Coates Mills Thompson
Barton Freidin Morsani West
Brochin Kogan Rundle
Butterworth Hawkes Nabor Zack
Connor Jennings Planas

Nays—2

Barnett Henderson

At the request of five members of the Commission—

Proposal 158—A proposal to revise ARTICLE IX, s. 4, Fla. Const.; providing for nonpartisan school board elections.

—was read and considered by the Commission.

On motion by Commissioner Marshall, Proposal 158 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—23

Alfonso Ford-Coates Mathis Smith
Barkdull Freidin Mills Sundberg
Brochin Henderson Morsani Thompson
Butterworth Kogan Nabor Wetherington
Corr Lowndes Riley Zack
Evans-j ones Marshall Rundle

Nays—13

Anthony Connor Hawkes Planas
Argiz Crenshaw Jennings Scott
Barnett Evans Langley West
Barton

At the request of five members of the Commission—

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; requiring the appointment of members to the commission; requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file its final report with the secretary of state within a specified period; requiring that the supreme court determine the validity of the plans; 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 and considered by the Commission.

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

Yeas—22

Mr. Chairman Evans-j ones Marshall Sundberg
Barkdull Ford-Coates Mills Thompson
Barnett Freidin Nabor Wetherington
Barton Henderson Riley Zack
Brochin Kogan Rundle
Butterworth Lowndes Smith
Proposal 155—A proposal to revise ARTICLE III, s. 16(a), Fla. Const., providing for the Legislature to apportion the state into single-member senatorial districts of contiguous territory and single-member representative districts of contiguous territory.

—was read. No further action was taken and Proposal 155 was recommitted to the Style and Drafting Committee.

At the request of five members of the Commission—

Proposal 123—A proposal to revise ARTICLE XI, Fla. Const.; repealing s. 6, relating to the Taxation and Budget Reform Commission.

—was read and considered by the Commission.

Commissioners Barnett and Nabors offered the following amendment which was moved by Commissioner Barnett and adopted:

Amendment 1—On page 1, lines 9 and 10, delete said lines and insert:

Section 1. Section 6 of Article XI of the Florida Constitution is revised by amending that section to read:

ARTICLE XI

AMENDMENTS

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(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.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next ten year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than ninety-one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

On motion by Commissioner Barkdull, consideration of Proposal 123 as amended was deferred.

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.

—was read. No further action was taken and Proposal 152 as amended was recommitted to the Style and Drafting Committee.

At the request of five members of the Commission—

Proposal 59—A proposal to revise ARTICLE X, s. 13, Fla. Const.; providing limitations upon the amount of damages payable by the state when a court finds the state liable; providing for a bad-faith surcharge; placing a limit on attorney's fees.

—was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Lowndes and failed:

Amendment 1—On page 1, lines 17-24, delete the underlined language and insert: Where a tort suit for which provision has been made by general law claims damages in excess of the amount permitted by the limited waiver of sovereign immunity established by general law, the claimant may elect to submit such claim to arbitration in lieu of a trial by judge or jury, in accordance with procedures established by general law. Sovereign immunity is waived for such arbitration decisions to the extent of five times the limited waiver of sovereign immunity established by general law.

The vote was:

Years—7

Brochin Mills Thompson Wetherington

Lowndes Smith West

Nays—24

Alfonso Butterworth Henderson Nabors

Anthony Connor Jennings Planas

Argiz Corr Kogan Riley

Barkdull Evans Marshall Scott

Barnett Ford-Coates Mathis Sundberg

Barton Freedin Morsani Zack

COMMISSIONER THOMPSON PRESIDING

Commissioner Zack moved Proposal 59 which failed. The vote was:

Years—13

Mr. Chairman Evans Kogan Lowndes

Alfonso Freedin Langley Morsani
At the request of five members of the Commission—

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

—as was read and considered by the Commission.

Commissioner Butterworth moved the following amendment which was adopted:

Amendment 1—On page 1, lines 19 and 20, delete those lines and insert: county may be divided into two or more, but no more than five, school districts. No district may have fewer than 25,000 students, as

Commissioner Marshall moved Proposal 40 as amended which failed. The vote was:

Yeas—8

Mr. Chairman Brochin Evans-Jones Mills

Barnett Butterworth Marshall Riley

Nays—26

Alfonso Evans Ford-Coates Mathis

Anthony Ford-Coates Mathis

Argiz Freidin Morsani

Barkdull Henderson Nabors

Barton Jennings Planas

Connor Kogan Rundle

Crenshaw Langley Scott

CHAIRMAN DOUGLASS PRESIDING

The Commission resumed consideration of—

Proposal 123—A proposal to revise ARTICLE XI, s. 1, Fla. Const.; defining the term “adequate provision” as applicable to the system of public education.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Commissioner Barkdull, the Commission reconsidered the vote by which Amendment 1 was adopted.

Commissioner Evans moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 2, line 18, delete “ten” and insert: twenty

Amendment 1B—On page 3, delete line 9 and insert: or budgetary laws of the state not later than one hundred eighty days prior to the general

Amendment 1 as amended was adopted.

The vote was:

Yeas—30

Alfonso Crenshaw Lowndes Scott

Anthony Evans Mathis

Argiz Evans-Jones Mills

Barkdull Ford-Coates Morsani

Barton Henderson Nabors

Brochin Jennings Planas

Butterworth Kogan Rundle

Crenshaw Langley Scott

Nays—None

On motion by Commissioner Barkdull, Proposal 123 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—30

Alfonso Crenshaw Lowndes Scott

Anthony Evans Mathis

Argiz Evans-Jones Mills

Barkdull Ford-Coates Morsani

Barton Henderson Nabors

Brochin Jennings Planas

Butterworth Kogan Rundle

Crenshaw Langley Scott

Nays—1

Connor

At the request of five members of the Commission—

Committee Substitute for Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; defining the term “adequate provision” as applicable to the system of public education.

—as was read and considered by the Commission.

Commissioner Mills moved the following amendment:

Amendment 1—On page 1, lines 13-25, delete all of said lines and insert:

SECTION 1. System of Public education.—Adequate provision shall be made by law for a uniform system of free public schools and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. Regarding a uniform system of free public schools, “adequate provision” means providing an efficient, safe, secure, and high quality system of public education for the purpose of allowing students to achieve a high quality education that prepares students to participate in a democratic society and to successfully compete in a global economy.

On motion by Commissioner Mills, consideration of Committee Substitute for Proposal 157 with pending Amendment 1 was deferred.

Consideration of Committee Substitute for Proposal 166 was deferred.

At the request of five members of the Commission—

Proposal 181—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; providing public rights to, and state duties to provide, complete and adequate public education.

—as was read and considered by the Commission.

On motion by Commissioner Brochin, Proposal 181 as amended was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—28

Alfonso Brochin Freidin Mathis

Anthony Butterworth Henderson Mills

Argiz Crenshaw Jennings Morsani

Barkdull Evans-Jones Kogan Nabors

Barton Ford-Coates Lowndes Planas

Connor Thompson

West Wetherington

Nays—1

Connor

At the request of five members of the Commission—

Proposal 157—A proposal to revise ARTICLE XI, s. 1, Fla. Const.; defining the term “adequate provision” as applicable to the system of public education.
The Commission resumed consideration of—

Committee Substitute for Proposal 157—A proposal to revise ARTICLE IX, s. 1, Fla. Const.; defining the term "adequate provision" as applicable to the system of public education.

— with pending Amendment 1 by Commissioner Mills.

Commissioner Kogan moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, line 6, delete "that prepares students to participate in a democratic society and to successfully compete in a global economy."

Amendment 1 as amended was adopted.

On motion by Commissioner Mills, Committee Substitute for Proposal 157 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—28
Alfonso Crenshaw Lowndes Rundle
Argiz Evans-Jones Mathis Scott
Barkdull Ford-Coates Marshall Rundle
Barnett Freidin Mathis Thompson
Barton Henderson Mills Wetherington
Butterworth Jennings Morsani Wetherington
Connor Kogan Planas Zack
Nays—12
Barkdull Crenshaw Langley Thompson
Barton Evans Mills West
Connor Jennings Scott

At the request of five members of the Commission—

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. No further action was taken and Committee Substitute for Proposal 24 as amended was recommitted to the Style and Drafting Committee.

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."

—as amended was read and considered by the Commission.

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

Amendment 1—On page 1, line 25, delete "background" and insert: "criminal history records"

COMMISSIONER THOMPSON PRESIDING

CHAIRMAN DOUGLASS PRESIDING

On motion by Commissioner Rundle, Proposal 167 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—24
Mr. Chairman Butterworth Lowndes Riley
Alfonso Evans-Jones Marshall Rundle
Anthony Ford-Coates Mathis Smith
Argiz Freidin Morsani Smith
Barnett Henderson Nabors Wetherington
Brochin Kogan Planas Zack
Nays—11
Barkdull Crenshaw Langley Thompson
Barton Evans Mills West
Connor Jennings Scott
At the request of five members of the Commission—

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 and considered by the Commission.

Commissioner Brochin moved the following amendment to the proposal as engrossed:

Amendment 1—On page 3, line 18, insert:

Section 2. Section 19 is added to Article VII of the Florida Constitution to read:

SECTION 19. Public disclosure of exemptions and exclusions.—Each general law granting an exemption to or exclusion from the state sales tax shall contain only one exemption or exclusion and shall contain a declaration that the exemption or exclusion advances the state public purposes of encouraging economic development and competitiveness; supporting educational, governmental, religious, or charitable initiatives or institutions; or securing tax fairness.

And the title is amended as follows:

On page 1, line 8, before the period (.) insert: ; and to create ARTICLE VII, s. 19, Fla. Const.; requiring public disclosure of exemptions and exclusions from the state sales tax

POINT OF ORDER

Commissioner Henderson raised a point of order that pursuant to Rule 7.4 Amendment 1 was not germane to the proposal.

RULING ON POINT OF ORDER

The Chairman ruled the point well taken and the amendment out of order.

Commissioner Brochin appealed the ruling of the Chairman, which failed.

On motion by Commissioner Henderson, Committee Substitute for Proposals 49, 103 and 185 was adopted and recommitted to the Style and Drafting Committee. The vote was:

Yeas—29

Alfonso
Anthony
Argiz
Barkdull
Barnett
Barton
Butterworth
Connor

Nays—4

Evans Jones
Freidin
Hawkes
Marshall

At the request of five members of the Commission—

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 and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes:

Amendment 1—On page 1, line 17, delete everything after the proposing clause and insert:

Section 1. Section 14 of Article V of the Florida Constitution is revised by amending that section to read:

ARTICLE V
JUDICIARY

SECTION 14. Funding judicial salaries.—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts for performing court-related functions. 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 determined by general law.

(d) The judiciary shall have no power to fix appropriations.

Commissioner Sundberg moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 2, line 15, insert:

Section 2. Section 22 is added to Article XII of the Florida Constitution to read:

ARTICLE XII
SCHEDULE

SECTION 22. Schedule to Article V Amendment.—

(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.

(b) Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.

Amendment 1 as amended was adopted.

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:
CONSTITUTION REVISION COMMISSION

March 17, 1998

Yeas—30
Alfonso Evans Lowndes Rundle
Argiz Evans-J ones Marshall Scott
Barkdull Ford-Coates Mathis Smith
Barnett Freidin Mills Sundberg
Barton Henderson Morsani Thompson
Butterworth Jennings Nabors Zack
Connor Kogan Planas
Crenshaw Langley Riley
Nays—2
Hawkes West

Vote after roll call:
Yea—Wetherington

RECONSIDERATION

Commissioner Barnett moved that the rules be waived and the Commission reconsider the vote by which Proposal 24 as amended failed this day. The motion was adopted. The vote was:

Yeas—22
Alfonso Evans Marshall Scott
Barkdull Evans-J ones Mathis Thompson
Barnett Ford-Coates Mills West
Barton Hawkes Planas Zack
Butterworth Henderson Riley
Crenshaw Jennings Rundle
Nays—11
Brochin Kogan Morsani Sundberg
Connor Langley Nabors Wetherington
Freidin Lowndes Smith

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.

Commissioner Rundle moved Proposal 24 as amended which failed to receive the required 22 votes. The vote was:

Yeas—18
Alfonso Crenshaw Mathis Scott
Argiz Evans Mills Thompson
Barkdull Ford-Coates Planas Zack
Barton Henderson Riley
Butterworth Jennings Rundle
Nays—15
Barnett Freidin Lowndes Sundberg
Brochin Hawkes Morsani West
Connor Kogan Nabors Wetherington
Evans-J ones Langley Smith

At the request of five members of the Commission—

Proposal 96—A proposal to revise ARTICLE VIII, s. 7, Fla. Const.; prescribing types of communication that are within the purview of the people’s right to instruct their representatives.

—was read and considered by the Commission.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes and adopted:

Amendment 1—On page 1, line 15, delete “local government public officials” and insert: a local government public official.

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

At the request of five members of the Commission—

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 and considered by the Commission.

Commissioners Zack, Anthony, Evans-J ones and Mathis offered the following amendment to the proposal as engrossed which was moved by Commissioner Zack:

Amendment 1—On page 1, line 10 through page 8, line 15, delete all of said lines and insert:

Section 1. Subsection (b) of section 3 of Article IV of the Florida Constitution is revised by amending that subsection to read:

ARTICLE IV
EXECUTIVE

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 written suggestion thereof by three 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 three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records 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 2. Section 4 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV
EXECUTIVE

SECTION 4. Cabinet—

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a chief financial officer, treasurer, and a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The secretary of state shall keep the records of the official acts of the legislative and executive departments.
(b)(e) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c)(d) The chief financial officer controller shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state and.

(e) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the controller. 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.

(d) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(e) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

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

(g)(f) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(g)(g) The commissioner of education shall supervise the public education system in the manner prescribed by law.

Section 3. Section 8 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV
EXECUTIVE

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian secretary of state records, suspend collection of fines and forfeitures, grant reprieves not having occurred, with the approval of two thirds of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

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 superintendent of education.

Section 5. Subsection (c) of section 9 of Article XII of the Florida Constitution is revised by amending that subsection to read:

ARTICLE XII
SCHEDULE

SECTION 9. Bonds.—

(c) MOTOR VEHICLE FUEL TAXES.

(1) A state tax, designated “second gas tax,” of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the “second gas tax” as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the “second gas tax.”

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the “second gas tax” shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total “second gas tax” collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under Article IV, Section 4 and Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection (4). The board shall remit the proceeds of the “second gas tax” in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the “second gas tax” subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this
March 17, 1998

CONSTITUTION REVISION COMMISSION

paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the “second gas tax” allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the “second gas tax” allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the “second gas tax” allocated to the county exceed seventy-five per cent of the pledged portion of the “second gas tax” allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the “second gas tax” allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

Section 6. Section 22 is added to Article XII of the Florida Constitution to read:

ARTICLE XII

SCHEDULE

SECTION 22. Executive branch reform.—The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of the primary elections in 2002. The offices of chief financial officer, attorney general, and commissioner of agriculture shall be new offices as a result of this revision.

Commissioner Langley moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 8, lines 6 and 7, delete all of said lines and insert: primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision

Commissioner Henderson moved the following amendment to Amendment 1 which was adopted:

Amendment 1B—On page 3, line 7, delete “commissioner of agriculture”

Amendment 1 as amended was adopted.

The vote was:

Yeas—31
  Mr. Chairman
  Alfonso
  Argiz
  Barkdull
  Barnett
  Brochin
  Butterworth

Nays—1
  Sundberg

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Lowndes and adopted:

Amendment 2—On page 4, line 24, after “of” insert: free

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

Yeas—22
  Mr. Chairman
  Alfonso
  Argiz
  Barkdull
  Barnett
  Brochin
  Butterworth

Nays—10
  Barton
  Connor
  Crenshaw
  Jennings
  Sundberg

At the request of five members of the Commission—

Proposal 168—A proposal to revise ARTICLE IV, s. 6, Fla. Const.; providing that an entity purportedly within an executive department which is not subject to the direct supervision of the agency head is a department; providing that the amendment does not affect the status of such entities to issue revenue bonds before a specified date; creating ARTICLE IV, s. 14, Fla. Const.; creating a State Board of Agriculture; providing for the board to appoint the Commissioner of Agriculture; creating ARTICLE IV, s. 15, Fla. Const.; providing for establishment of the office of custodian of state records; providing for duties of the office; creating ARTICLE XII, s. 23, Fla. Const.; providing that the amendment does not affect the status of such entities in existence on the effective date of the adoption of the amendment.

—was read and further consideration was deferred.

At the request of five members of the Commission—

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 and considered by the Commission.

MOTION

On motion by Commissioner Barkdull, time of recess was extended until completion of all proposals on the calendar.

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

Amendment 1—On page 1, line 23, insert:

Section 2. Section 22 of Article XII of the Florida Constitution is added to read:

ARTICLE XII

SCHEDULE

SECTION 22. Stateboard of education and cabinet reform.—If in the general election of 1998, the proposal offered by the constitution revision commission on cabinet reform should fail to be adopted, and the proposal offered by the constitution revision commission on reform of the state board of education is passed, the following conforming amendments to Article I, section 5 shall be made

SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet other than the commissioner of education, each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In the general election and in party primaries, if held, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.
(b) When elected, the governor, lieutenant governor and each cabinet member other than the commissioner of education, must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

The vote was:

Yeas—17
Alfonso Butterworth Mills Wetherington
Argiz Connor Nabors Zack
Barkdull Freidin Riley
Barnett Langley Smith
Brochin Marshall Thompson
Nays—8
Barton Evans Jennings Sundberg
Crenshaw Ford-Coates Scott West

Commissioner Riley moved Committee Substitute for Proposal 166 as amended which failed to receive the required 22 votes. The vote was:

Yeas—16
Barkdull Freidin Nabors Sundberg
Barnett Kogan Riley Thompson
Brochin Marshall Rundle Wetherington
Butterworth Mills Smith Zack
Nays—13
Alfonso Crenshaw Ford-Coates Lowndes
Argiz Evans Jennings Scott
Barton Evans-Jones Langley West
Connor

Proposal 4—A proposal to revise ARTICLE I, s. 18, Fla. Const.; clarifying the authority of the Department of Military Affairs, through courts-martial, to impose sentences of imprisonment and other penalties.

—was read. No further action was taken and Proposal 4 was recommitted to the Style and Drafting Committee.

Consideration of Proposal 8 was deferred.

Proposal 25—A proposal to revise ARTICLE V, s. 1, Fla. Const.; providing for military courts martial to be conducted by military judges of the Florida National Guard with direct appeal to the District Court of Appeal, First District.

—was read. No further action was taken and Proposal 25 was recommitted to the Style and Drafting Committee.

Proposal 32—A proposal to revise ARTICLE VI, s. 2, Fla. Const.; reducing the voting age to eighteen.

—was read. No further action was taken and Proposal 32 was recommitted to the Style and Drafting Committee.

Proposal 35—A proposal to revise ARTICLE II, s. 8, Fla. Const., relating to ethics in government; including in that section the requirement set out in ARTICLE III, s. 18, Fla. Const., which requires creation of a code of ethics; repealing ARTICLE III, s. 18, Fla. Const., as a distinct section.

—was read. No further action was taken and Proposal 35 was recommitted to the Style and Drafting Committee.

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

—was read. No further action was taken and Proposal 37 was recommitted to the Style and Drafting Committee.

At the request of five members of the Commission—

Proposal 44—A proposal to revise ARTICLE V, s. 2, Fla. Const.; allowing the state supreme court and district courts of appeal to submit questions of military law to the federal Court of Appeal for the Uniform Services for an advisory opinion.

—was read and considered by the Commission.

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

Amendment 1—On page 1, line 25, delete “Court of Appeal for the Uniform Services” and insert: “Court of Appeals for the Armed Forces.

On motion by Commissioner Langley, Proposal 44 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—26
Mr. Chairman Butterworth Langley Sundberg
Alfonso Connor Lowndes Thompson
Argiz Crenshaw Marshall West
Barkdull Evans Mills Wetherington
Barnett Evans-Jones Nabors Zack
Barton Ford-Coates Riley
Brochin Kogan Smith
Nays—None

Committee Substitute for Proposals 112 and 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

—was read. No further action was taken and Committee Substitute for Proposals 112 and 124 was recommitted to the Style and Drafting Committee.

Committee Substitute for Proposal 133—A proposal to revise ARTICLE III, s. 19(d), Fla. Const.; providing guidelines for the public review period for general appropriation acts.

—was read. No further action was taken and Proposal 133 was recommitted to the Style and Drafting Committee.

Proposal 44—A proposal to revise ARTICLE V, s. 2, Fla. Const.; allowing the state supreme court and district courts of appeal to submit questions of military law to the federal Court of Appeal for the Uniform Services for an advisory opinion.

On motion by Commissioner Langley, Proposal 44 as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—26
Mr. Chairman Butterworth Langley Sundberg
Alfonso Connor Lowndes Thompson
Argiz Crenshaw Marshall West
Barkdull Evans Mills Wetherington
Barnett Evans-Jones Nabors Zack
Barton Ford-Coates Riley
Brochin Kogan Smith
Nays—None

Committee Substitute for Proposals 112 and 124—A proposal to revise ARTICLE VII, s. 3, Fla. Const.; providing for an exemption from ad valorem taxation for certain tangible personal property.

—was read. No further action was taken and Committee Substitute for Proposals 112 and 124 was recommitted to the Style and Drafting Committee.

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. No further action was taken and Proposal 179 was recommitted to the Style and Drafting Committee.
At the request of five members of the Commission—

Proposal 8—A proposal to revise ARTICLE III, s. 8, Fla. Const.; increasing the length of time within which the governor may veto legislation.

—was read and considered by the Commission.

Commissioner Barkdull moved Proposal 8 which failed to receive the required 22 votes. The vote was:

Yeas—21

Mr. Chairman  Connor  Mills  Thompson
Alfonso  Evans-Jones  Nabor  Wetherington
Barkdull  Ford-Coates  Riley  Zack
Barnett  Freidin  Rundle
Brochin  Kogan  Smith
Butterworth  Lowndes  Sundberg

Nays—6

Barton  Evans  Marshall  West
Crenshaw  Langley

The Commission resumed consideration of—

Proposal 168—A proposal to revise ARTICLE IV, s. 6, Fla. Const.; providing that an entity purportedly within an executive department which is not subject to the direct supervision of the agency head is a department; providing that the amendment does not affect the status of such entities to issue revenue bonds before a specified date; creating ARTICLE IV, s. 14, Fla. Const.; creating a State Board of Agriculture; providing for the board to appoint the Commissioner of Agriculture; creating ARTICLE IV, s. 15, Fla. Const.; providing for establishment of the office of custodian of state records; providing for duties of the office; creating ARTICLE XII, s. 23, Fla. Const.; providing that the amendment does not affect the status of such entities in existence on the effective date of the adoption of the amendment.

—which was previously considered this day.

The Style and Drafting Committee recommended the following amendment to the proposal as engrossed which was moved by Commissioner Mills:

Amendment 1—On page 3, lines 4-17, delete all of said lines

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

Amendment 2—On page 3, lines 4-10, delete all of said lines

Commissioner Mills moved Proposal 168 as amended which failed to receive the required 22 votes. The vote was:

Yeas—18

Alfonso  Evans-Jones  Mills  Thompson
Barkdull  Ford-Coates  Riley  West
Connor  Kogan  Rundle  Wetherington
Crenshaw  Langley  Smith
Evans  Marshall  Sundberg

Nays—6

Barnett  Butterworth  Lowndes  Nabor
Barton  Freidin

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 27 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 6:36 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Monday, March 23.

PAGES

March 17

Susan Evans, Orlando; Elizabeth Provow, Grayton Beach; Stephanie Provow, Grayton Beach; Rachel Tanner, Orlando; Sara Tanner, Orlando