CALL TO ORDER

The Commission was called to order by the Chairman at 9:10 a.m. A quorum was present—27:

Mr. Chairman Evans Marshall Scott
Alfonso Evans-Jones Mathis Smith
Barkdull Ford-Coates Mills Sullivan
Barnett Freidin Morsani Sundberg
Brochin Hawkes Planas Thompson
Butterworth Henderson Riley Wetherington
Connor Jennings Rundle

Alternate: Barton

Excused: Commissioners Anthony, Argiz, Kogan, West and Zack; Scott at 11:45 a.m.

PRAYER

The following prayer was offered by Commissioner J. Stanley Marshall:

Oh Lord, the first step in any effort to better the human condition must be to have the opportunity to serve, to confront the conditions and circumstances that must be changed if we are to make a difference.

We pray for your guidance, for the qualities that permit us to serve and to lead—wisdom, patience, forbearance, and above all, love and respect for those with whom we serve. For giving us the opportunity to serve, we thank you Lord, and we pray for those qualities that will enable us to serve well. Amen.

PLEDGE

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

INTRODUCTION OF PROPOSALS

By Commissioner Hawkes—

Proposal 90—A proposal to revise ARTICLE III, s. 4, Fla. Const.; providing members of the Legislature with immunity with respect to any speech or debate in either house of the Legislature.

—was referred to the Legislative Committee.

Proposal 91—A proposal to revise ARTICLE VII, s. 4, Fla. Const.; providing for certain pollution control devices to be classified by general law and assessed solely on the basis of character or use.

—was referred to the Finance and Taxation Committee.

Proposal 92—A proposal to revise ARTICLE VIII, s. 1, Fla. Const.; providing that noncharter counties have such power of self-government as is not inconsistent with general law or any special law approved by the electors.

—was referred to the Local Government Committee.

Proposal 93—A proposal to revise ARTICLE X, s. 4, Fla. Const.; eliminating the prohibition against devising a homestead if the owner is survived by a spouse or minor child.

—was referred to the General Provisions Committee.

Proposal 94—A proposal to revise ARTICLE V, s. 10, Fla. Const.; providing that candidates for judicial office may not be precluded from taking a public position on issues.

—was referred to the Judicial Committee.

Proposal 95—A proposal to revise ARTICLE I, s. 16, Fla. Const.; requiring that the state reimburse a person charged with a crime for the costs of a successful defense whenever the charges are dismissed or the person is acquitted.

—was referred to the Judicial Committee.

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 referred to the Local Government Committee.

Proposal 97—A proposal to revise ARTICLE I, s. 23, Fla. Const.; prohibiting the performance of a partial-birth abortion, as defined, except in specified circumstances; providing that a woman upon whom...
such an abortion is performed is not subject to prosecution under this section.

—was referred to the Declaration of Rights Committee.

By Commissioner Planas—

Proposal 98—A proposal to revise ARTICLE III, s. 15, Fla. Const.; requiring additional qualifications of candidates for, and members of, the state legislature.

—was referred to the Legislative Committee.

By Commissioner Langley—

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 referred to the Finance and Taxation Committee.

By Commissioner Anthony—

Proposal 100—A proposal to revise ARTICLE VIII, s. 2, Fla. Const.; providing methods for the creation, abolition, and merger of municipalities.

—was referred to the Local Government Committee.

By Commissioner Evans-Jones—

Proposal 101—A proposal to revise ARTICLE IV, s. 5, Fla. Const.; providing for election of public service commissioners.

—was referred to the Executive Committee.

REPORTS OF COMMITTEES

The Declaration of Rights Committee recommends the following pass: Proposal 1, Proposal 24

The Ethics and Elections Committee recommends the following not pass: Proposal 7, Proposal 63

The proposals contained in the foregoing reports were placed on the calendar.

The Declaration of Rights Committee recommends a committee substitute for the following: Proposal 13

The proposal with committee substitute attached was placed on the calendar.

SPECIAL ORDER

Committee Substitute for Proposals 31 and 55—A proposal to revise ARTICLE V, s. 14, Fla. Const., and create ARTICLE V, s. 21, 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; requiring the Legislature to appropriate funds according to a phase-in schedule established by general law; authorizing the Legislature to require that counties remit fines, costs, and forfeitures for the purpose of funding the operation of the judiciary, state attorneys, and public defenders.

—was read.

Commissioner Sundberg moved the following amendment which was adopted:

Amendment 1—On page 2, lines 3 and 9, delete “judiciary” and insert: “State court system

The vote was:

Yeas—24

Mr. Chairman Evans Jennings Scott

Alfonso Evans-Jones Marshall Smith

Barkdull Ford-Coates Mathis Sullivan

Barnett Freidin Morsani Sundberg

Brochin Hawkes Plrias Thompson

Butterworth Henderson Riley Wetherington

Nays—None

MOTION

Commissioner Thompson moved that Committee Substitute for Proposals 31 and 55 as amended be referred to a Select Committee for study and that the committee report back to the Commission by December 10. The motion was adopted.

Further consideration of Committee Substitute for Proposals 31 and 55 as amended was deferred.

RECESS

The Chairman declared the Commission in informal recess at 10:31 a.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 10:41 a.m. A quorum was present.

SPECIAL ORDER, continued

On motion by Commissioner Alfonso, consideration of Proposal 45 was deferred.

MOTION

On motion by Commissioner Thompson, by unanimous consent Proposal 75 was withdrawn from further consideration.

Proposal 69—A proposal to revise ARTICLE IV, ss. 4, 5, Fla. Const.; providing for the appointment of the Commissioner of Education.

—was read.

Commissioner Riley moved Proposal 69 which failed. The vote was:

Yeas—8

Alfonso Brochin Henderson Riley

Barnett Freidin Marshall Smith

Nays—14

Mr. Chairman Butterworth Evans-Jones Ford-Coates

Barkdull Connor Evans-Jones Hawkes

CONSTITUTION REVISION COMMISSION November 14, 1997
On motion by Commissioner Rundle, Proposal 22 was withdrawn from further consideration.

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

—was read.

MOTION

Commissioner Barkdull moved to recommit Proposal 40 to the Education Committee for further study. The motion failed. The vote was:

Yeas—3
Barkdull  Henderson  Morsani

Nays—20
Alfonso  Evans  Jennings  Rundle
Barnett  Evans-Jones  Marshall  Smith
Brochin  Ford-Coates  Mathis  Sundberg
Butterworth  Freidin  Mills  Thompson
Connor  Hawkes  Riley  Wetherington

On motion by Commissioner Rundle, further consideration of Proposal 40 was deferred. The vote was:

Yeas—15
Alfonso  Butterworth  Ford-Coates  Rundle
Barkdull  Connor  Hawkes  Thompson
Barnett  Evans  Marshall  Wetherington
Brochin  Evans-Jones  Mills  Randle
Nays—8
Freidin  Jennings  Morsani  Smith
Henderson  Mathis  Riley  Sundberg

Committee Substitute for Proposal 70—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

—was read.

Commissioner Planas offered the following amendment which was moved by Commissioner Alfonso:

Amendment 1—On page 1, line 23, delete that line and insert:

(1) a homestead of a person who has been a resident of the state for at least five years, to the extent of five hundred thousand

On motion by Commissioner Mills, further consideration of Committee Substitute for Proposal 70 with pending Amendment 1 was deferred. The vote was:

Yeas—12
Mr. Chairman  Butterworth  Hawkes  Morsani
Alfonso  Connor  Marshall  Rundle
Barnett  Evans-Jones  Mills  Thompson
Nays—11
Barnett  Ford-Coates  Jennings  Sundberg
Brochin  Freidin  Riley  Wetherington
Evans  Henderson  Smith

Proposal 48—A proposal to revise ARTICLE VII, s. 18, Fla. Const.; providing that local governments are not bound by certain state legislative mandates.

—was read.

MOTION

Commissioner Barkdull moved that the time of recess be extended until completion of Special Order and announcements. The motion was adopted.

Proposal 82—A proposal to revise ARTICLE VI, s. 5, Fla. Const.; providing that all candidates for election be listed on election ballots.

—was read.

Commissioner Freidin, Vice-chairman of the Ethics and Elections Committee, on behalf of Commissioner Corr, moved Proposal 82 which failed. The vote was:

Yeas—None
Nays—22
Alfonso  Evans  Jennings  Smith
Barkdull  Evans-Jones  Marshall  Sundberg
Barnett  Ford-Coates  Mills  Thompson
Brochin  Freidin  Morsani  Wetherington
Butterworth  Hawkes  Riley
Connor  Henderson  Rundle
—was read.

Commissioner Ford-Coates, Chairman of the Local Government Committee, on behalf of Commissioner Anthony, moved Proposal 48 which failed. The vote was:

Yeas—None
Nays—21

Mr. Chairman    Evans    Marshall    Sundberg
Alfonso        Evans-Jones  Mills    Thompson
Barkdull       Ford-Coates  Morsani  Wetherington
Barnett        Freidin     Riley
Brochin        Hawkes     Rundle
Butterworth    Jennings    Smith

MOTION

On motion by Commissioner Riley, by unanimous consent Public Proposal VII-5-2 was withdrawn from further consideration.

SELECT COMMITTEE APPOINTED

The Chairman announced the appointment of Commissioner Mills, Chairman; Commissioners Thompson, Planas, Ford-Coates and Butterworth to the Select Committee to study Committee Substitute for Proposals 31 and 55.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 13 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 1:05 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, December 9, 1997.
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