



# Journal of the 1997-1998 Constitution Revision Commission

Number 4

Thursday, September 25, 1997

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## CALL TO ORDER

The Commission was called to order by the Chairman at 9:15 a.m. The Secretary called the roll and a quorum was present—29:

Mr. Chairman	Evans-Jones	Mathis	Sullivan
Alfonso	Ford-Coates	Mills	Sundberg
Anthony	Freidin	Morsani	West
Barkdull	Henderson	Nabors	Wetherington
Barnett	Kogan	Riley	Zack
Brochin	Langley	Rundle	
Connor	Lowndes	Scott	
Evans	Marshall	Smith	

Alternates:

Leesfield Logan

Excused: Commissioners Argiz, Corr, Crenshaw, Hawkes, Jennings, Planas and Thompson; Commissioner Butterworth until 11:40 a.m.; Alternate Barton

## PRAYER

The following prayer was offered by Commissioner Evans:

Our Father and Creator, we invoke your guidance today as we begin to consider the proposals for our constitution. We know that the founding fathers of our great nation knew you and followed your guidance in establishing our republic according to your will. Our founding fathers knew that you are the ultimate authority for law and that you alone are flawless. They knew that man cannot successfully tamper with that authority and they knew and required that state constitutions adhere to that authority. So, again, we ask that you use us today as your instruments so that we can continue to maintain the greatness of this state and nation—all for your glory and honor. Amen.

## PLEDGE

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

## REPORTS OF COMMITTEES

### REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

The Rules and Administration Committee submits the following report:

On Wednesday, September 24, 1997, the Rules and Administration Committee met to consider three items. The following is a summary of the committee's action for consideration by the Commission:

**I. Process to Consider Public Proposals.** The Rules and Administration Committee recommends that the Commission consider public proposals as grouped by article and section of the Constitution. Specifically, Commissioners will be given the opportunity to move proposals

listed under each section within an article. If no proposal is moved, the Commission will move to the next section. For any proposal moved, the Commission will have the opportunity to vote. All proposals receiving the requisite 10 votes will advance to bill drafting, receive a proposal number, and be referred to committee.

**II. Revised Calendar.** A revised calendar has been prepared and is attached. This calendar reflects the newly released Senate/House interim committee meeting schedule that relates to the months of January and February, 1998. In addition, the schedule for the months of October through December has been revised to reduce the number of meeting times from two to one set of meetings per month.

Revised schedules for October through December are as follows:

- October 20th through 24th
- November 12th through 14th
- December 9th through 12th

Proposed schedules for January and February are as follows:

- January 12th through 16th and 26th through 28th
- February 9th through 12th and 23rd through 27th

**III. Public Proposal Deadline.** The committee discussed the need for establishing a deadline for receipt of public proposals and recommended October 6, 1997, as the deadline. The committee further recommended that all proposals not incorporated in the September 17, 1997, compilation of public proposals be available for consideration on October 20, 1997.

**IV. Member Proposal Filing Deadline.** The committee recommends November 25, 1997, as the deadline for members to file proposals. This date should provide members with adequate time to prepare and draft proposals.

Respectfully submitted,  
Thomas H. Barkdull, Jr.  
Chairman

## MOTION

Commissioner Evans-Jones moved the adoption of the report of the Rules and Administration Committee.

## RECESS

On motion by Commissioner Barkdull, the Commission stood in informal recess at 9:28 a.m. to reconvene at 9:40 a.m.

## CALL TO ORDER

The Commission was called to order by the Chairman at 9:40 a.m. A quorum was present.

The Commission resumed consideration of—

### REPORT OF THE RULES AND ADMINISTRATION COMMITTEE

#### AMENDMENTS TO REPORT

Commissioner Zack moved as an amendment to the report that the Commission meet October 20 and November 12 at 9:00 a.m. in lieu of 1:00 p.m. The motion was adopted.

Commissioner Freidin moved as an amendment to the report that the deadline for receipt of public proposals be extended to October 13 in lieu of October 6. The motion was adopted.

**ADOPTION OF REPORT**

The question recurred on the motion by Commissioner Evans-Jones to adopt the report of the Rules and Administration Committee. The report as amended was adopted without objection.

**SPECIAL ORDER**

Pursuant to Rule 3.3, the Commission proceeded to consideration of the following:

**CONSTITUTIONAL ISSUES RAISED  
BY THE PUBLIC**

*Public Proposal No.*                      *Summary of Proposal*

**Article I, Declaration of Rights****MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article I, Declaration of Rights, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

- Access to courts regardless of age;
- Equality based on gender, age, or sexual preference;
- Right of privacy versus parental authority;
- Affirmative action;
- Decisions of the U.S. Supreme Court relating to the Fourth Amendment;
- Limitations on forfeiture of property;
- Private property rights

**Article I, Section 2**

- I-2-1        Amend Art.I, s.2, in pertinent part, to read: ... No person shall be deprived of any right because of race, religion, *age* or physical handicap.

**MOTION**

On motion by Commissioner Zack, Public Proposal Number I-2-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- I-2-1a        Add a provision stating: A person 18 years of age or older is an adult for all purposes.
- I-2-1b        Include protection of the unborn.

**MOTION**

On motion by Commissioner Connor, Public Proposal Number I-2-1b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- I-2-1c        Protect life from conception through natural death.

**MOTION**

Commissioner Evans moved that Public Proposal Number I-2-1c be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

- I-2-2        Add a provision to Art.I, s.2, as follows: The rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this article unless specifically precluded by laws which enhance the protection of such persons.
- I-2-3        Amend Art.I, s.2, to read: ... No person shall be deprived of any right because of race, religion, *gender*, *sexual orientation* or physical handicap.

*Public Proposal No.*

*Summary of Proposal*

**MOTION**

On motion by Commissioner Riley, Public Proposal Number I-2-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- I-2-3a        Amend Art.1, s.2, to read: ... No person shall be deprived of any right because of race, religion, *gender*, or physical handicap.

**MOTION**

On motion by Commissioner Freidin, Public Proposal Number I-2-3a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- I-2-3b        Amend Art.I, s.2, striking the word "handicap" and substituting the word "disability" to conform with the Americans with Disabilities Act.

**MOTION**

On motion by Commissioner Freidin, Public Proposal Number I-2-3b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- I-2-4        Amend Art.I, s.2, to read: All natural persons are equal before the law and have inalienable rights, among which are the right to... acquire, possess and protect property, *and acquire, possess and protect the highest form of title to such properties, i.e., including but not limited to, motor vehicles and real property titles, such as MSO's and federally issued Land Patents; ...*

- I-2-5        A basic right delineated in this section should include the right not to be fired except for cause, thus repealing the "at will" doctrine.

- I-2-6        This provision should apply to the workplace of every corporation, business and government office in the state.

- I-2-7        Add the following: The citizens of the State of Florida shall enjoy equal opportunity to employment, housing, public accommodations, public education, and other benefits of citizenship, except where otherwise provided by law. Additionally, the State, its agencies, political subdivisions, municipalities, counties, public colleges and universities, community colleges, school districts, special districts, authorities and other government instrumentalities, are authorized to take actions necessary to remedy the present effects of past discrimination in the areas of housing, employment, public accommodations, public education, the purchase of goods and services and the expenditure of public funds.

**MOTION**

On motion by Commissioner Sundberg, Public Proposal Number I-2-7 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- I-2-8        The state shall not discriminate against or grant preferential treatment to any person based upon race, sex, ethnicity or national origin.

- I-2-9        Amend to provide the right of full, unrestricted enjoyment of the natural resources of the state and its political subdivisions, including sovereignty lands.

**Article I, Section 3**

- I-3-1        Add to Art.I, s.3, the compelling state interest test. That is, laws affecting the free exercise clause should be subject to strict scrutiny.

Public Proposal No. Summary of Proposal

**MOTION**

Commissioner Evans moved that Public Proposal Number I-3-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-3-2 Modify the language in Art.I, s.3, regarding "indirect aid to sectarian institutions" to ensure that the provision is not interpreted to prevent students in parochial schools from receiving neutral benefits.

**MOTION**

Commissioner Evans moved that Public Proposal Number I-3-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-3-3 Amend Art.I, s.3, to read: ... No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury *to directly promote any church, sect, or religious denomination or directly aid any sectarian religious institution or program. The state or any political subdivision or agency thereof shall not deny equal access to a public benefit on account of religion directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.*

I-3-4 Include in Art.I, s.3, the following: Florida guarantees the people's right to acknowledge or disavow God according to the dictates of conscience. The people have the right to pray, peacefully assemble, and to recognize their religious beliefs, heritage or traditions on private and public property. The State of Florida shall not require or coerce any person to pray, affirm any religious belief, or participate in any religious activity; initiate or designate school prayers or directly discriminate against religion or nonreligion. The State may only substantially burden a person's free exercise of religion if it shows that application of the burden to the person is in furtherance of a compelling state interest and is the least restrictive means of furthering that compelling interest.

I-3-5 Add a provision prohibiting prayer in school.

I-3-6 Allow the ten commandments to be posted in classrooms.

I-3-7 Amend Art.I, s.3, to provide: There shall be no law respecting the establishment of *one* religion *in preference to any other*. . . .

**Article I, Section 4**

I-4-1 This section should preclude any expression other than the verbal expression, by utterance, oral and vocal, or by writing or drawing, and in the English language. Protection is denied to physically destructive acts and to the generally offensive display of the human sexual or excretory organs.

I-4-2 No government body shall make any law or ordinance allowing any display of the human sexual or excretory organs which are generally offensive to the local population - city, county or state - as objected to by the local population in the form of petitions signed by 10% of the local population.

**Article I, Section 5**

I-5-1 Amend Art.I, s.5, to read: Rights to assemble *and associate*. The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievance. *The rights of electoral participation and political association are fundamental; any law burdening their exercise is subject to strict judicial scrutiny for legitimacy regarding ends and means, and must be supported by clear and convincing evidence. Political choices and competition are primary interests of the citizenry.*

Public Proposal No. Summary of Proposal

**MOTION**

On motion by Commissioners Connor and Riley, Public Proposal Number I-5-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article I, Section 6**

I-6-1 The right to work protection should be expanded to include farm workers.

I-6-2 All Floridians shall have the right to join labor unions and to bargain collectively. It shall be a felony to coerce, intimidate or threaten employees because of their union advocacy or membership.

**MOTION**

Commissioner Riley moved that Public Proposal Number I-6-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-6-3 Include a mechanism in Art.I, s.6, by which employees, especially those not covered by the National Labor Relations Act, can exercise their right to bargain collectively.

I-6-4 The inalienable right to enjoy, life, liberty and the pursuit of happiness by means of exercising the right to work shall not be abridged or abrogated by any statute demanding compliance in order to exercise that right.

I-6-5 This section should be amended to protect workers from the personal intrusion of employers on the drug testing, camera spying, discrimination of all kinds which includes your genetic makeup, your political ideas and speech; and economic status.

I-6-6 Repeal the right-to-work provision.

I-6-7 Workers compensation, medical benefits, and retirement benefits should be assured. We need to protect people injured on their jobs.

I-6-8 Strengthen the whistle-blowers law.

I-6-9 State employees should be required to retire at the age of 70.

**Article I, Section 8**

I-8-b-1 Exempt law enforcement officers from the 3-day waiting period to purchase a handgun.

**Article I, Section 9**

I-9-1 Amend Art.I, s.9, to read: No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense or be compelled in any criminal matter to be a witness against himself. *Private property may be forfeited only after felony conviction of, and exhaustion of appeals by, the property owner.*

**MOTION**

On motion by Commissioner Sundberg, Public Proposal Number I-9-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article I, Section 12</b>	
I-12-1	Rescind the 1982 "conforming" amendment, which ties search and seizure interpretations to the construction given by the U.S. Supreme Court.

**MOTION**

Commissioner Riley moved that Public Proposal Number I-12-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article I, Section 15**

I-15-a-1	Abolish the death penalty.
I-15-a-1a	Repeal the death penalty and replace it with imprisonment without parole.
I-15-a-1b	Add language to protect against the death penalty being imposed arbitrarily and capriciously. Imposition of the death penalty should require a unanimous jury recommendation for death.

**MOTION**

On motion by Commissioner Barnett, Public Proposal Number I-15-a-1b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-15-a-2	All criminal charges should be based upon grand jury indictment.
I-15-x-1	Citizens should have the right to empanel a grand jury by petition.

**Article I, Section 16**

I-16-1	A criminal should not be able to sue the victim if the victim injures the criminal.
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**Article I, Section 17**

I-17-1	Amend Art.I, s.17, to read: Excessive fines, cruel or unusual punishment, attainder, forfeiture of estate, indefinite imprisonment and unreasonable detention of witnesses are forbidden. <i>There shall be proportionality between magnitude of felony and the severity of forfeiture of property.</i>
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**Article I, Section 18**

I-18-1	Amend Art.I, s.18, to read: No administrative agency <i>except the Department of Military Affairs in an appropriately convened Court-Martial action</i> , shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.
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**MOTION**

On motion by Commissioner Langley, Public Proposal Number I-18-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article I, Section 19**

I-19-1	Amend Art.I, s.19, to read: No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final. <i>A person not found guilty of a crime shall not be assessed fees or costs to recover property seized as evidence or otherwise held, impounded, or stored by the government.</i>
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**MOTION**

On motion by Commissioners Riley and Connor, Public Proposal Number I-19-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
I-19-2	A convicted person shall be compelled to pay the victim or the victim's lawful representative, any costs incurred by the victim or representative, including but not limited to medical, prenatal care, and adoption costs, as the result of the crime, especially in the instance of rape where a child is conceived, and the determination of cost shall be retroactive up to two years from the date of this amendment.

**Article I, Section 21**

I-21-1	Amend Art.I, s.21, to read: The courts shall be open to every person for redress of any injury, <i>without regard to the age of the litigants</i> , and justice shall be administered without sale, denial or delay.
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**MOTION**

On motion by Commissioner Freidin, Public Proposal Number I-21-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-21-2	Revert to the language of the 1885 Constitution, which reads: All courts in the State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.
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I-21-3	Overturn <i>State v. Coleman</i> , which provides that the court will not pass on the constitutionality of a statute if the case can be fully determined on other meritorious grounds.
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**Article I, Section 22**

I-22-1	Amend Art.I, s.22, to read: (a) The right to a trial by jury shall be secure to all and remain inviolate. The qualifications and number of jurors, not fewer than six, shall be fixed by law; (b) The right to a trial by jury to assess responsibility for and the amount of damages for personal injury shall not be limited nor shall it be replaced by an exclusive alternate remedy.
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I-22-2	Amend Art.I, s.22, to read: The right of trial by jury shall be secure to all and remain inviolate <i>without regard to the age of the litigants</i> . The qualifications and the number of jurors, not fewer than six, shall be fixed by law.
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**MOTION**

Commissioner Freidin moved that Public Proposal Number I-22-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-22-3	Amend Art.I, s.22, to read: The right of trial by jury shall be secure to all and remain inviolate, <i>including the power of the jury to judge the law as well as the evidence in all instances in which the government or any of its agencies is an opposing party. No potential juror shall be questioned concerning political or religious beliefs, or concerning opinion of the power and right of jurors to judge the law. Judges shall instruct jurors of their power and right to judge the law as well as the evidence.</i> The qualifications and the number of jurors, not fewer than six, shall be fixed by law.
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I-22-4	The right to trial in workers compensation cases should be reasserted.
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I-22-4a	The right to trial in cases involving infants neurologically injured in childbirth should be reasserted.
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*Proposal Number*                      *Summary of Proposal*

I-22-5      Add the following: The accused's or aggrieved's right to trial by jury in all instances when the government, or any of its agencies, is an opposing party, includes the right to inform the jurors of their power to judge the law as well as the evidence, and vote on the verdict according to conscience. This right shall not be infringed by any statute, jury rule, court order, or practice or procedure of the court, including any method of jury selection that could preclude or limit the impanelment of jurors willing to exercise this power. This right shall not be infringed by preventing any party to the trial once the jurors have been informed of their powers from presenting arguments to the jury that may contain issues of law and conscience, including the merits, intent, constitutionality, or applicability of the law in the instant case, the motives, moral perspectives, or circumstances of the accused or aggrieved party, the degree of guilt or actual harm done, or the sanctions that may be applied to the losing party. Failure to allow the accused or aggrieved party or counsel to so inform the jury shall be grounds for mistrial.

I-22-6      All criminal trials should be tried before a jury.

I-22-7      Add: A putative father in a paternity suit does not have the right to trial by jury.

#### MOTION

On motion by Commissioner Rundle, Public Proposal Number I-22-7 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

#### Article I, Section 23

I-23-1      Add a provision incorporating the "conformity" model used in Art.I, s.12, which would bar the Florida courts from construing the privacy provision more liberally than it is construed by the U.S. Supreme Court.

#### MOTION

Commissioner Connor moved that Public Proposal Number I-23-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-23-2      The right of privacy should not extend to the right to abortion.

#### MOTION

Commissioner Mathis moved that Public Proposal Number I-23-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-23-2a      The Right-to-Know Act should be made part of the Constitution. (Requires physicians to provide specific information to the patient prior to performing an abortion.)

I-23-3      Constitution should require parental consent for minors to obtain an abortion.

#### MOTION

Commissioner West moved that Public Proposal Number I-23-3 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-23-3a      Require parental consent for abortion with a bypass provision for a child who cannot go to a parent.

I-23-4      Require parental consent for minors in all medical procedures.

*Proposal Number*                      *Summary of Proposal*

#### MOTION

Commissioner Evans-Jones moved that Public Proposal Number I-23-4 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-23-5      The right to privacy should not apply to minor children.

I-23-5a      Include a provision to affirm parental rights and responsibilities to direct the upbringing of their own children.

#### MOTION

Commissioner Evans moved that Public Proposal Number I-23-5a be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-23-5b      Restore the right of parents to make decisions for their children, including, but not limited to, abortions.

I-23-6      Add a provision to prohibit physician-assisted suicide.

I-23-7      Add a provision to provide the right to voluntary physician-assisted euthanasia.

I-23-8      Amend Art.I, s.23, to read: Every natural person has the right to be let alone and free from governmental intrusion into his *person and* private life except as otherwise provided herein....

I-23-9      Add a provision that no governmental or private institution or business may compel any natural person to surrender his or her thumb print, or any other bodily identification, in order to provide services, such as, but not limited to, the presentation of a check issued by that bank to be cashed by the holder, and deny same services if that natural person refuses to comply.

I-23-10      Add a provision that no state, county, or municipal government may use a natural person's social security number without the permission, knowledge, and consent of that natural person, or, if surrendered under duress or acquiescence to a statute, it not be converted into a federal employer number.

I-23-11      Prohibit the sale of personal data on individuals from databases without written consent of the concerned individual.

#### MOTION

On motion by Commissioner Zack, Public Proposal Number I-23-11 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-23-11a      Expand the privacy provision as it relates to information that can be obtained from computers.

#### MOTION

On motion by Commissioner Morsani, Public Proposal Number I-23-11a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-23-12      Add the following: No person shall be denied access or opportunity in employment, housing, public services, or accommodations, or the extension of credit on account of matters pertaining to his or her private life.

I-23-13      Apply the privacy provision against business and other organized institutions and religions, as well as against the government.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article I, Section 24</b>	
I-24-1	All public records and documents published on electronic media must be encrypted to protect them from being changed by hackers. The 128-bit encryption method is suggested.

I-24-2 Ensure that all public records are open to everyone.

#### Article I, Section 25

I-25-1 This should be repealed, or something of substance added to it. (Taxpayer Bill of Rights)

#### Article I, Section x

I-x-1 Add a Freedom of Conscience Amendment: No person shall be directly compelled to support or endorse any cause, charity, purpose, or organization, financially or otherwise, or indirectly to do so as a condition upon the receipt of a public benefit or the exercise of a public privilege or right, except in the payment of taxes enacted pursuant to general law or as a penalty imposed by a court for the commission of a crime.

#### MOTION

Commissioner Connor moved that Public Proposal Number I-x-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-x-2 Prohibit public funding of nursing homes with bad records of neglect.

I-x-3 Create a Bill of Rights for Children. Replace the concept that keeping the family together is the best policy, notwithstanding the family's dysfunction.

#### MOTION

Commissioner Riley moved that Public Proposal Number I-x-3 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-x-4 Add a provision: A government or business establishment can make no law, rule or policy respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble and to petition the government or company for a redress of grievances.

I-x-5 Guarantee injured workers prompt payment of benefits and needed health care and therapy. Guarantee totally and permanently disabled income based on prior wages.

I-x-6 Establish a right to be paid a wage sufficient to support a person and family. Employers engaged in commerce grossing \$100,000 or more in revenues per year shall pay employees a minimum wage of \$10 per hour, indexed to increase with inflation.

I-x-7 The composition of the jailed populations by race and national origin cannot be significantly different from the composition of the general population.

I-x-8 Declare that the vestiges of racism no longer will be supported by public funds or designation for housing, historic districts, enterprise zones, or any similar enterprise whose past land use can be shown to have disadvantaged blacks historically.

I-x-9 Separate people with communicable diseases, such as AIDS, in schools and other places.

I-x-10 Allow nude beaches.

I-x-11 Provide for a separation between the government and political factions similar to the separation between government and religion.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
I-x-12	Provide for the right to choose other than a licensed dentist to be fitted for and purchase removable dentures directly from a qualified dental lab technician/denturist/dental prosthetic therapist.
I-x-13	Provide the right to be free from conviction of victimless crimes.
I-x-14	Allow for possession, cultivation and transfer of marijuana for private purposes in small amounts for personal use.
I-x-14a	Allow the use of marijuana for medical purposes. Allow physicians to prescribe cannabis to certified patients.

#### MOTION

On motion by Commissioner Riley, Public Proposal Number I-x-14a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-x-15 An inmate shall lose all reductions of sentence upon a finding by a petit jury of the filing of a frivolous lawsuit.

#### MOTION

Commissioner Evans moved that Public Proposal Number I-x-15 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

I-x-16 Criminals must serve at least 85% of their time.

#### MOTION

On motion by Commissioner Rundle, Public Proposal Number I-x-16 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-x-17 There should be established the right to choose one's own doctor and hospital.

I-x-18 Provide for state public medical service provided free of charge without means testing.

I-x-18a Provide all children medical care, no matter what their means are.

#### MOTION

On motion by Commissioner Zack, Public Proposal Number I-x-18a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

I-x-19 Protect children's rights first. Don't let the foster care system get around the law.

I-x-20 Homosexuals should be able to adopt children.

I-x-21 Ensure that mentally ill people take their medicine, notwithstanding their civil rights.

I-x-22 Make it more difficult to be committed involuntarily.

## Article II, General Provisions

#### MOTION

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article II, General Provisions, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

An environmental bill of rights;

The Ethics Commission

<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article II, Section 2</b>	
II-2-1	Explain the role of school districts among the three branches of state government.
II-2-2	Lawyers should be removed from elective office in the legislative and executive branches of government.

**Article II, Section 5**

II-5-1	No person shall serve a lifetime total of more than 8 years in any elected or appointed office, nor shall receive any compensation other than the official salary thereof. No salary increase shall apply to any officeholder while in office, nor shall take effect without a public referendum.
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**Article II, Section 6**

II-6-1	Add the following section: It shall be the policy of this state to protect the safety of persons and property from natural and non-natural disasters. Adequate provision shall be made by law to provide incentives to ensure this measure of health, safety and welfare protection for all persons and property.
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**MOTION**

Commissioner Henderson moved that Public Proposal Number II-6-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article II, Section 7**

II-7-a-1	Amend Art.II, s.7(a) to read: It shall be the policy of the state to conserve and protect its natural resources and scenic beauty <i>and wildlife habitat</i> .
II-7-b-1	Expand Art.II, s.7(b), beyond the Everglades Agricultural Area so that everywhere in the state, those who cause pollution are primarily responsible for paying the costs of abatement of that pollution.
II-7-x-1	Create an Environmental Bill of Rights: (1) Right to live in an environment free of toxic pollution of manmade chemicals; (2) Right to protect and preserve our pristine natural communities; (3) Right to ensure the existence of the scarce and fragile plant and animal species that share Florida; (4) Right to outdoor recreation; (5) Right to sustained economic success within our natural resources capacity.
II-7-x-2	Suggested additions to the Environmental Bill of Rights: (1) Protect the physical, chemical and biological wealth of Florida's public lands; (2) Protect the public trust in wildlife and fisheries; (3) Protect the right of public access to state sovereign tidelines; (4) Protect fresh water resources; (5) Protect the right to clean air and water, freedom from excessive and unnecessary noise, and recreational, scenic, historic and esthetic qualities of nature as part of a healthy environment.
II-7-x-3	Create a new article of the Constitution for natural resources.
II-7-x-4	It shall be a felony to emit or allow emissions of health-threatening particulates or noxious gases into the atmosphere.
II-7-x-4a	Need remedies against environmental poisons being used by the government, which intrude onto private property.
II-7-x-5	Amend to provide for protection of local water supplies. Require local governments to use their water before seeking another government's water supply.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article II, Section 8</b>	
II-8-a-1	Art.II, s.8(a), requiring full and public financial disclosure by elected constitutional officers, should be amended to include all elected officials in the state. This would pick up elected municipal officers and officers of special districts.

**MOTION**

On motion by Commissioner Barnett, Public Proposal Number II-8-a-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

II-8-f-1	Authorize the Ethics Commission to initiate investigations (i.e., "primary" investigations).
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**MOTION**

On motion by Commissioner Mills, Public Proposal Number II-8-f-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

II-8-f-1a	Strengthen the powers of the Ethics Commission.
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**MOTION**

On motion by Commissioner Rundle, Public Proposal Number II-8-f-1a received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

II-8-h-1	Amend Art.II, s.8(h)(1), to provide that full and public disclosure should allow for reporting of financial information to be made within reasonable ranges, rather than requiring specific figures.
II-8-h-2	Amend Art.II, s.8(h)(1), to provide that financial disclosure statements be filed directly with the Ethics Commission, rather than with the Secretary of State.
II-8-x-1	Transfer to Art.II, s.8, provisions of Art.III, s.18, which requires the enactment of a Code of Ethics for public officers and employees.

**MOTION**

On motion by Commissioner Freidin, Public Proposal Number II-8-x-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

II-8-x-2	Members of the legislative branch should be subject to sanction for ethics violations notwithstanding reliance on the advice of counsel, as are all other officers and employees subject to the Code.
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**MOTION**

On motion by Commissioner Barnett, Public Proposal Number II-8-x-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article II, Section x**

II-x-1	Create a new section: Legitimacy of Government Powers.—Legitimate government, at any level, is established solely by direct and explicit consent of the governed. Relative to the citizenry, no branch of government has inherent or reserved powers, implicit or assumed prerogatives, or presupposed attributes of sovereignty. Powers must be expressly granted to government by the people, and the extent and range of such powers shall be strictly, narrowly construed.
II-x-2	Statement that Florida should and must declare its sovereignty from the United States government, and the United Nations and all its agencies. Any law or treaty not constitutional under State Constitution should not affect us.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
II-x-3	Provide that Florida will not enforce illegal laws handed down by the federal government.
II-x-4	Create an agency to look into citizens concerns, including concerns about attorneys and judges, when no other agency can help someone.
II-x-5	Laws and rules should be reviewed periodically to get rid of the old wood.

### **Article III, Legislature**

#### **MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article III, Legislature, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

- Reapportionment by an independent commission;
- Length of terms and term limitations;
- Residency and other qualifications of members;
- Form of sessions

#### **Article III, Section 1**

III-1-1	The power of the Legislature to enact, amend, and repeal laws should be expressed.
III-1-1a	Limit the Legislature from passing more than 100 bills per session.
III-1-1b	Require legislators to read and understand legislation prior to voting.
III-1-2	Florida should have a one-house Legislature.

#### **MOTION**

On motion by Commissioner Sundberg, Public Proposal Number III-1-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

III-1-3	The requirement for single-member districts should be specifically set out in the Constitution.
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#### **MOTION**

On motion by Commissioner Scott, Public Proposal Number III-1-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

III-1-4	Allow for multiple-member districts; at least a multiple-member house and a single-member senate.
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#### **MOTION**

On motion by Commissioner Barnett, Public Proposal Number III-1-4 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

#### **Article III, Section 3**

III-3-b-1	The Legislature should meet every other year.
III-3-b-2	Provide for a 45-day session, with a recess for 2 weeks, during which there would be committee meetings, then a 45-day session to conclude.
III-3-b-2a	Supports the bifurcated session and proposes that a fiscal session precede the general session.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
III-3-d-1	Amend Art.III, s.3(d), to read: Length of Session. A regular session of the legislature shall not exceed sixty <del>consecutive</del> <sup>consecutive</sup> days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

#### **Article III, Section 5**

III-5-1	Art.III, s.5, should include a provision ensuring that a person may not be compelled to be a witness against himself when compelled to appear before a house of the Legislature or any of its committees.
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#### **Article III, Section 6**

III-6-1	All laws shall include a clear and concise "Intent of the Legislature" abstract, spelling out what the law is intended to accomplish. This intent may not be changed or interpreted without the express consent of the Legislature. No executive or judicial body may make any rule or implementing guidelines without the express consent of the Legislature.
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#### **Article III, Section 7**

III-7-1	All bills should be published and furnished to members in final form at least 3 days prior to final passage.
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#### **MOTION**

Commissioner Evans-Jones moved that Public Proposal Number III-7-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

III-7-2	The people must be informed by public hearing of every statute which will affect their lives, businesses and freedoms.
III-7-3	Place some constraints on the amendatory process.

#### **Article III, Section 8**

III-8-1	The period during which the Governor may veto legislation when received during the session should be changed from 7 days to 15 days. The period for gubernatorial veto, when legislation is received after adjournment of the Legislature, should be changed from 15 days to 30 days.
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#### **MOTION**

On motion by Commissioner Barkdull, Public Proposal Number III-8-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

#### **Article III, Section 9**

III-9-1	Create a new provision: Sunset Limitation of Statutes. In order that future generations not be burdened by legislative excesses of the past, each statute henceforth passed by the Legislature shall expire twenty years after its effective date. All current statutes shall expire ten years after passage of this amendment. The expiration of a statute shall encompass amendments to and deletions from the statute as originally enacted.
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#### **Article III, Section 10**

III-10-1	Moral issues should be voted on at the local level. Counties should decide these issues.
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#### **Article III, Section 11**

III-11-1	Amend Art.III, s.11(a)(19), to read: There shall be no special law or general law of local application pertaining to hunting or <del>fresh-water</del> fishing.
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<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article III, Section 15</b>	
III-15-a-1	House terms should be increased from 2 years to 4 years; Senate terms should be increased from 4 years to 6 years.
III-15-a-1a	Increase the terms as set out in III-15-a-1, and provide for a 12-year term limit.
III-15-c-1	The residence qualification for state legislators shall be changed from 2 years to 6 years. Each legislator shall be at least 21 years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of seven years prior to election.
III-15-c-2	Require a 1-year residence within the district in order to qualify to run for the Legislature.

**Article III, Section 16**

III-16-1 Establish an independent redistricting commission.

**MOTION**

On motion by Commissioner Barkdull, Public Proposal Number III-16-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

III-16-1a	Provide for an elected reapportionment committee.
III-16-1b	End the practice of gerrymandering.
III-16-2	There should be proportional representation for the Florida Legislature.

**Article III, Section 18**

III-18-1 This provision, which requires the enactment of a code of ethics for state officers and employees, should be transferred to Art.II, s.8, relating to Ethics in Government.

**Article III, Section 19**

III-19-1	This section needs to be substantially rewritten. It is a statute in the guise of Constitution.
III-19-2	Amend Art.III, s.19, to include the judicial branch within the requirements of the budget process.
III-19-3	Strengthen the Governor's ability to serve as chief planning officer. Look at the Florida Commission on Government Accountability to the People as a model.

**Article III, Section x**

III-x-1	No legislative body shall incur any debt, nor allow any debt to stand, that is not discharged and paid in full before the expiration of 10 years.
III-x-2	Authorize the Legislature to enact tort reform to allow for a cap on non-economic damages, limit or eliminate punitive damages, limit lawyer contingency fees and provide immunity.

**Article IV, Executive**

**MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article IV, Executive, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

Restructuring the Cabinet;

Merger of the Marine Fisheries Commission and the Florida Game and Fresh Water Fish Commission

<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article IV, Section 1</b>	
IV-1-1	The Governor shall not create a commission by executive order to create a new form of government, such as a Commission for a Sustainable South Florida Government.

**Article IV, Section 3**

IV-3-b-1 Rewrite the provision regarding gubernatorial incapacity. It provides no standards and could result in a constitutional crisis.

**Article IV, Section 5**

IV-5-a-1 The Cabinet should be restructured; the Cabinet should be appointed by the Governor.

IV-5-a-1a The Comptroller and Insurance Commissioner should be appointed.

**Article IV, Section 6**

IV-6-1 Repeal this to the extent that a department may be placed under the direct supervision of the Governor and Cabinet.

**Article IV, Section 7**

IV-7-b-1 The Senate should be required to either remove or reinstate an official suspended by the Governor. Currently, the Senate can simply fail to take action.

**MOTION**

On motion by Commissioner Barkdull, Public Proposal Number IV-7-b-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article IV, Section 8**

IV-8-1 A person's civil rights should be automatically restored upon completion of sentence and a subsequent time certain free from arrest.

**Article IV, Section 9**

IV-9-1 Unify the Marine Fisheries Commission and the Game and Fresh Water Fish Commission to form the Florida Fish and Wildlife Conservation Commission; provide for appointment of members by the Governor, subject to Senate confirmation. Authorize Commission to exercise executive and regulatory powers of the state pertaining to conservation of freshwater and marine aquatic life and wild animal life.

**MOTION**

On motion by Commissioner Henderson, Public Proposal Number IV-9-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

IV-9-2 The unelected Game Commission should be made subject to the control of the Legislature. Currently the Commission is authorized to exercise regulatory powers, and the Legislature may enact laws in aid of the Commission, not inconsistent with this provision.

**Article IV, Section x**

IV-x-1 Create a Department of Public Safety which would consolidate state law enforcement officers in one agency. Currently, at least 10 state agencies employ law enforcement officers.

IV-x-2 Create a separate department for persons with disabilities.

IV-x-3 No governmental body, committee, commission, study group, etc., should ever have more than 25% lawyers as members.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
IV-x-4	Create a section as follows: Sunset Limitation of Administrative Rules.—Each administrative rule or regulation henceforth issued by a state agency or department shall expire ten years after its effective date. All current rules and regulations shall expire six years after passage of this amendment.
IV-x-5	Mandate the creation of a commission to develop specific guidelines regarding the protection of barrier islands, looking at developments on a case-by-case basis.
IV-x-6	All parole boards and all other appointed boards with functions of criminal sentence reduction, new trials or clemency shall be dissolved and prohibited. Such questions shall be decided only by petit juries.
IV-x-7	Establish a Cabinet position for environmental issues.
IV-x-8	Deregulate banking. Provide for a private-sector banking commission.

### Article V, Judiciary

#### MOTION

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article V, Judiciary, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

- State participation in Article V costs;
- Merit retention or election of judges;
- Qualifications and terms of judges

#### MOTION

Commissioner Scott moved the following general concepts raised by the public relating to Article V, Judiciary, be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members:

- Fully informed juries;
- Regulation of attorneys

#### Article V, Section 1

V-1-1	Clarify the State of Florida's responsibility to fully fund the judiciary.
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#### MOTION

On motion by Commissioner Zack, Public Proposal Number V-1-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

V-1-2	Amend Art.V, s.1, relating to the structure of the judiciary to provide for a system of constables, justices of the peace and city judges.
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#### Article V, Section 2

V-2-a-1	Court shall submit criminal rules of procedure to the Legislature for adoption.
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#### MOTION

Commissioner Rundle moved that Public Proposal Number V-2-a-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

V-2-b-1	Strike "temporary" from Art.V, s.2(b), to provide for unlimited cross-assignments of judges between the trial courts.
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<i>Proposal Number</i>	<i>Summary of Proposal</i>
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#### MOTION

On motion by Commissioner Langley, Public Proposal Number V-2-b-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

V-2-d-1	Amend Art.V, s.2(d), to provide that the chief judge of each circuit is responsible to see that all circuit court trials and grand jury proceedings are held in the county seat.
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#### Article V, Section 3

V-3-a-1	Amend Art. V to allow the District Courts of Appeal and the Supreme Court to submit questions of military law to the Federal Courts of Appeal for the Uniform Services for an advisory opinion.
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#### MOTION

On motion by Commissioner Langley, Public Proposal Number V-3-a-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

V-3-a-2	Amend Art. V to allow a military court-martial to be conducted by military judges of the Florida National Guard, with direct appeal to the First District Court of Appeal.
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#### MOTION

On motion by Commissioner Langley, Public Proposal Number V-3-a-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

V-3-a-3	Divide Florida into 7 districts and elect one Supreme Court justice from each.
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V-3-a-4	Amend Art.V, s.3(b), to require a unanimous decision of the Supreme Court or a panel of judges of the district courts of appeal before any trial verdict is reversed, remanded or retried.
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V-3-b-1	Amend Art.V, s.3(b), relating to capital cases to allow only 30 days between appeals.
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V-3-b-2	Amend Art.V, s.3, to provide the Supreme Court with the opportunity to review per curiam affirmed decision of the district courts of appeal.
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#### Article V, Section 5

V-5-1	Amend Art. V to provide a process to remove bias and discrimination from divorce and custody determinations.
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#### Article V, Section 8

V-8-1	Amend Art.V, s.8, by removing the requirement for mandatory retirement of justices and judges over the age of 70.
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#### MOTION

On motion by Commissioner Sundberg, Public Proposal Number V-8-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

V-8-2	Amend Art.V, s.8, relating to mandatory retirement, and raise the retirement age from 70 to age 72 with no opportunity for the justice or judge to serve any remaining term of office.
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#### MOTION

On motion by Commissioner Wetherington, Public Proposal Number V-8-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
V-8-3a	Amend Art.V, s.8, to provide that in order to be eligible for judicial office, candidates must, at the time of appointment or qualification for office, reside within the territorial jurisdiction of their court.
V-8-3b	Amend Art.V, s.8, relating to the qualifications for judges to provide that judges do not have to be lawyers.
V-8-4a	All judges should be approved by a qualifications screening process, even those who run for office.
V-8-4b	Amend Art.V, s.8, relating to the qualifications of trial judges to increase the experience level for circuit and county court judges from 5 to 10 years membership in The Florida Bar.

**MOTION**

On motion by Commissioner Wetherington, Public Proposal Number V-8-4b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article V, Section 10**

V-10-a-1	Amend Art.V, ss.10 and 11, to extend the system of merit selection and retention to the trial courts.
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**MOTION**

On motion by Commissioner Wetherington, Public Proposal Number V-10-a-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

V-10-a-2	Amend Art.V, s.10(a), to provide that justices of the Supreme Court and all judges should be elected from single member districts for a single term of 8 years with no succeeding term.
V-10-a-3	Combine merit retention with popular election. Require unchallenged incumbent county and circuit judges to appear on the first primary ballot as retain or not retain. If not retained, candidates have 10 days to qualify.
V-10-a-4	Amend Art.V, s.10, to require the election of all justices and judges.
V-10-a-4a	Elect judges with public funds.
V-10-a-4b	Elect all judges with an 8-year term limit.
V-10-a-5	Eliminate the Judicial Nominating Commission process and authorize the Governor to appoint appellate judges, subject to confirmation by the Senate.
V-10-a-6	Appellate judges should have a 10-year term, subject to reconfirmation.
V-10-b-1	Amend Art.V, s.10(b), to increase the term of office of county court judges from four to six years.

**Article V, Section 12**

V-12-1	Strengthen the Judicial Qualifications Commission. Give it the power to remove judges for incompetency, not only misdeeds.
V-12-2	Judicial Qualifications Commission proceedings should not be confidential.

**Article V, Section 15**

V-15-1	Amend Art.V, s.15, to provide that all assets of The Florida Bar, The Florida Bar Foundation, and the Florida Lawyers Association for the Maintenance of Excellence shall be transferred to the State of Florida and controlled by the Florida Legislature.
V-15-2	Amend Art.V, s.15, to prohibit the judicial branch from hiring outside lobbyists.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
V-15-3	Amend Art.V, s.15, to provide that lawyers be regulated by the executive branch rather than the judicial branch.
V-15-4	Require all lawyers to pay annual licensing fees to practice in Florida.
V-15-5	Require all lawyers to disclose that monies held for the benefit of their clients may be kept in an interest bearing account for the client's benefit rather than an interest for the benefit of The Florida Bar Foundation.

**MOTION**

Commissioner Connor moved that Public Proposal Number V-15-5 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article V, Section 18**

V-18-1	Removes public defenders from the Constitution and creates a Department of Public Defense with the Executive Branch.
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**Article V, Section 19**

V-19-1	Create a new section that would provide for a system of court watchers. The purpose of the program is to determine if there have been any violations of federal or State Constitution.
V-19-1a	There should be more oversight of judges. Judges should be more accountable.
V-19-1b	Improve supervision of attorneys and judges.

**Article V, Section x**

V-x-1	Require mandatory education for judges before they take office, including judicial efficiency.
V-x-2	Provide that no active member of The Florida Bar may serve on the Judiciary Committee of either house of the Legislature.
V-x-3	Judges should base decisions on the rule of law, not on their opinions. Judicial activism is not part of the design of our government.
V-x-4	Provide for a magistrate system for family law cases, including child support.

**Article VI, Suffrage and Elections****MOTION**

On motion by Commissioner Scott, the following general concept raised by the public relating to Article VI, Suffrage and Elections, received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission:

Ballot access by minority parties

**Article VI, Section 1**

VI-1-1	Allow NPA and Independent voters to vote in primary elections.
VI-1-2	A runoff election should only be held when no candidate gets at least 45% of the vote.
VI-1-3	Allow voting on weekends, allow 2 days for voting.

**MOTION**

On motion by Commissioner Anthony, Public Proposal Number VI-1-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

*Proposal Number**Summary of Proposal***Article VI, Section 2**

VI-2-1 Require that all candidates must be registered Florida voters for at least one year, and live in the district for at least 6 months, and continue to live in the district for the entire term.

**MOTION**

On motion by Commissioner Riley, Public Proposal Number VI-2-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-2-2 Amend Art.VI, s.2, to accurately reflect that the legal voting age is 18 rather than 21 years of age.

**MOTION**

On motion by Commissioner Barnett, Public Proposal Number VI-2-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-2-3 All voters should be required to prove they are residents of Florida before being registered.

**Article VI, Section 4**

VI-4-1 Impose term limits on all officials, including judges.

**MOTION**

Commissioner Connor moved that Public Proposal Number VI-4-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VI-4-1a Limit terms to three for any public office.

VI-4-2 Remove all term limits from the Constitution.

**MOTION**

On motion by Commissioner Sundberg, Public Proposal Number VI-4-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-4-3 Review term limits to provide system that is equitable to all state senators.

VI-4-4 Extend term limits to include city and county officials.

**MOTION**

Commissioner Langley moved that Public Proposal Number VI-4-4 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article VI, Section 5**

VI-5 Amend Art.VI, s.5, to provide that 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, municipal and district 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 term portion of the term....

**Article VI, Section 6**

VI-6-1 Strike the entire section relating to municipal and district elections.

VI-6-2 Amend Art.VI, s.6, to provide that local election campaigns shall not commence earlier than 30/45 days before election date and at the state level 60/75 days.

*Proposal Number**Summary of Proposal***Article VI, Section 7**

VI-7-1 Provide a method for the distribution of electoral college votes.

**Article VI, Section x**

VI-x-1 Modify the ballot access laws to increase participation and diminish the power of the major parties.

**MOTION**

On motion by Commissioner Marshall, Public Proposal Number VI-x-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-x-2 Remove restrictions on ballot access, including high filing fees, access laws, and petitioning requirements.

VI-x-3 Create a new section requiring a statewide referendum of all laws passed by the state Legislature for that period.

VI-x-4 The rights of political associations in electoral participation should be enhanced.

VI-x-5 Include a declaration that competition and electoral choice are of interest to citizens. Minor parties and independents should not be suppressed.

VI-x-6 Any political party that has been in continuous national existence for twenty years and has run presidential candidates in at least four of the previous five presidential elections shall have statewide ballot access.

VI-x-7 All candidates for public office shall be treated equally. No qualified candidate shall have ballot access restrictions based upon affiliation with a political party or faction or upon the size of a political party or faction. All elections shall be non-partisan.

VI-x-8 Adopt language found in the Illinois Constitution creating a State Board of Elections and providing a "state board of elections shall be [have] general supervision over the administration and election laws throughout the state. The General Assembly [Legislature] shall determine the size, manner of selection and composition of the Board. No political party shall have a majority of members on the Board."

VI-x-9 Provide for a mechanism to recall justices of the Supreme Court and other elected officials.

**MOTION**

On motion by Commissioner Mathis, Public Proposal Number VI-x-9 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-x-9a The collection of signatures to recall a county commissioner is excessive.

VI-x-10 Amend ballot access laws to provide equal access for minor parties. Also provide mechanism for minor parties to receive refund of filing fees.

VI-x-11 Prohibit the use of general revenue to finance campaigns. Require that contributions must come from individuals who are electors qualified to vote for the candidate.

VI-x-12 Support public financing of campaigns.

**MOTION**

On motion by Chairman Douglass, Public Proposal Number VI-x-12 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-x-13 Limit campaign contributions to those who can vote for the candidate.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
VI-x-14a	Require political parties to pay for primary election.
VI-x-14b	Allow for an open primary, thereby allowing all parties to participate.

**MOTION**

On motion by Commissioner Mills, Public Proposal Number VI-x-14b received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-x-15	Prohibit the second primary and allow for weekend voting.
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**MOTION**

On motion by Commissioner Riley, Public Proposal Number VI-x-15 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VI-x-16	Conduct non-partisan elections.
VI-x-17	Relating to campaign financing, provide for a statutory cap and prohibit contributions from those not residents of Florida or Florida businesses.
VI-x-18	Require the print and broadcast media to provide a set amount of space or time at reduced rates or free to political candidates.
VI-x-19	States may not place financial burdens on candidates by requiring reports to be submitted by technology.
VI-x-20	Limit all campaign contribution to \$200.
VI-x-21	Limit campaign contributions to \$500 and do not permit public officials to take a position on referendum items.
VI-x-22	Do not allow special elections when there are too few items to justify the expense of an election.
VI-x-23	Require polling machines to be available so that the sentiment of citizens can be tested concerning various issues.

**Article VII, Finance and Taxation**

**MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article VII, Finance and Taxation, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

- Limitation of homestead exemption from taxation;
- Treatment of municipalities and other political subdivisions compared to the treatment of counties and the state;
- Sales tax exemptions, budget process, extraordinary votes;
- Unfunded mandates

**Article VII, Section 1**

VII-1-a	Amend Art. VII to read “[t]here shall be no gift taxation, value-added taxation, securities transfer taxation, generation-skipping taxation, taxation of tangible personal property not used for business purposes, or other tax not explicitly permitted under this constitution.”
VII-1-e-1	Limit the Legislature’s ability to raise taxes, require 2/3 majority vote of each legislative body or require 75% voter approval.
VII-1-e-2	Impose spending limits on the government.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
	<b>MOTION</b>
	On motion by Commissioner Connor, Public Proposal Number VII-1-e-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article VII, Section 2**

VII-2-1	Remove intangible personal property taxes from the law.
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**MOTION**

On motion by Commissioner Mills, Public Proposal Number VII-2-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-2-2	Exempt minors from intangible taxes up to \$150,000.
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**Article VII, Section 3**

VII-3-a-1	Provide greater equity to counties who have an inordinate amount of exempt property.
VII-3-a-2	Extend the exemption provided to county-owned seaports and airports to those owned by municipal and special district seaports and airports.

**MOTION**

On motion by Commissioner Mathis, Public Proposal Number VII-3-a-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-3-1-3	Close all loopholes in the tax laws.
VII-3-a-4	Public property leased to a private entity is subject to taxation.

**MOTION**

On motion by Evans-Jones, Public Proposal Number VII-3-a-4 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-3-5	Prohibit a county or municipality from using cash derived from ad valorem taxes for economic development purposes.
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**Article VII, Section 4**

VII-4-1	Collect property taxes on a monthly basis.
VII-4-2	Assess but do not levy property tax on the elderly. Let the estate handle the taxes. The elderly should not be forced from their homes because they cannot pay their taxes.

**Article VII, Section 5**

VII-5-1	Eliminate the constitutional ban on a state income tax.
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**MOTION**

On motion by Commissioner Barnett, Public Proposal Number VII-5-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-5-2	Prohibit state income tax.
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**MOTION**

On motion by Commissioner Riley, Public Proposal Number VII-5-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

*Proposal Number*                      *Summary of Proposal*

**Article VII, Section 6**

VII-6-1      Amend Art.VII, s.6, to provide a homestead exemption on the second \$25,000 rather than the first.

**MOTION**

Commissioner Evans-Jones moved that Public Proposal Number VII-6-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-6-1-a    Revise the homestead exemption to allow a \$25,000 exemption to any amount over the first \$25,000 in value.

VII-6-1-b    Remove the initial \$5,000 exemption and start the \$25,000 exemption thereafter.

VII-6-2      Amend Art.VII, s.6, to provide that everyone pays at least something for such basic things as schools and law enforcement.

VII-6-3      Modify the homestead exemption provision. Mobile home owners should be paying their share of taxes.

VII-6-4      Require everyone to pay ad valorem tax on 50% of the first \$50,000 of assessed valuation and 100% on amounts over \$50,000.

**MOTION**

On motion by Commissioner Anthony, Public Proposal Number VII-6-4 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-6-6      Index the homestead exemption provision to inflation.

**MOTION**

Commissioner Riley moved that Public Proposal Number VII-6-6 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-6-7      Provide an exemption for the first \$5,000 of tangible personal property.

**MOTION**

On motion by Commissioner Ford-Coates, Public Proposal Number VII-6-7 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-6-8      Eliminate homestead exemption.

VII-6-9      Raise the homestead exemption with the consequence of reducing the property tax base of local governments.

VII-6-10     Amend the Constitution to permit the partial year assessment of homestead property in order to recover the costs of providing services to new homestead property completed after January 1 of each new year.

VII-6-11     Add to paragraph (a), . . . inclusive of state Medicaid benefits paid to the owner chronic care in eligible facilities commencing 90 days from entry.

**ANNOUNCEMENT OF COMMITTEE MEETING**

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

**RECESS**

On motion by Commissioner Barkdull, the Commission recessed at 12:35 p.m. to reconvene at 1:30 p.m.

**AFTERNOON SESSION**

The Commission was called to order by the Chairman at 1:34 p.m. A quorum present—29:

Mr. Chairman	Evans	Marshall	Smith
Alfonso	Evans-Jones	Mathis	Sullivan
Anthony	Ford-Coates	Mills	Sundberg
Barkdull	Freidin	Morsani	Wetherington
Barnett	Henderson	Nabors	Zack
Brochin	Kogan	Riley	
Butterworth	Langley	Rundle	
Connor	Lowndes	Scott	

Alternates:

Leesfield                      Logan

**REPORTS OF COMMITTEES**

**REPORT OF THE RULES AND ADMINISTRATION COMMITTEE**

The Rules and Administration Committee submits the following report:

On Thursday, September 25, at 12:40 p.m., the Rules and Administration Committee met to consider three items. The following is a summary of the committee's action for consideration by the Commission:

The issue was raised as to whether an alternate may introduce a proposal. After discussion, it was unanimously agreed that because the rule permits an alternate the same privileges as any member except for voting privileges, an alternate is empowered to do anything other than vote. For example, an alternate may make a motion, debate, and file proposals.

The issue was raised as to the effect on a public proposal if it was moved by a commissioner and failed to garner 10 votes. The committee unanimously agreed that the circumstance described would have no effect on the viability of the proposal. The committee also determined that if a specific public proposal was not moved, that failure to be moved also did not affect the viability of the public proposal. Every issue is still open.

As to the need to meet tomorrow, it was the determination of the committee that at the rate the commission is proceeding, there should be no impediment to finishing the calendar today. It was determined that there is no need to have committee meetings at this time, as the committees have not yet had any proposals referred to them, nor have they had the opportunity to notice an agenda of any specific items. It was suggested that the commission be able to adjourn this afternoon upon completion of the calendar.

Respectfully submitted,  
Thomas H. Barkdull, Jr.  
Chairman

**SPECIAL ORDER, continued**

*Public Proposal No.*                      *Summary of Proposal*

**Article VII, Section 9**

VII-9-a-1    Provide local school districts more flexibility to use 10 mils of nonvoted millage as they wish.

VII-9-a-2    Permit school districts to levy an increment of millage above 10 mils without the need for a referendum approval.

VII-9-a-3    Specify in the Constitution the amount or percentage of the 10 mil cap that may be used for capital improvement versus other purposes.

VII-9-a-4    The millage cap for schools should be set locally and not be set out in the Constitution.

VII-9-b-1    Adjust the constitutional formula for the distribution of motor vehicle license tax fee to provide a greater percentage of proceeds to school districts and community colleges.

VII-9-b-2    Provide that all natural persons who own property in counties other than the county in which they claim homestead be allowed to vote for every and all elected officials and all county issues.

*Public Proposal No.*      *Summary of Proposal*

VII-9-b-3    Provide that all persons who have no minor children or who home school are not responsible for property taxes associated with education.

VII-9-6      Require referendum before imposing special assessments.

**Article VII, Section 12**

VII-12-1    Narrow the referendum requirement of Art.VII, s.12, to indebtedness payable exclusively from ad valorem taxation and maturing more than 12 months more after issuance.

VII-12-2    Broaden the referendum requirement of Art.VII, s.12, to apply any indebtedness incurred where ad valorem taxation directly or indirectly supports the bond issuance.

VII-12-3    Amend to prohibit lease-purchasing agreements using ad valorem taxes.

**Article VII, Section 13**

VII-13-1    The Constitution should provide an assumption of correctness not be made in favor of the property appraiser.

**Article VII, Section 14**

VII-14-1    Place water management in general revenue and do not allow it independent taxation authority.

**MOTION**

On motion by Commissioner Langley, Public Proposal Number VII-14-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article VII, Section 15**

VII-15-1    Permit the state to set up a housing authority funded by bonds sold to the public and guaranteed by constitutionally mandated funds from tax money.

**Article VII, Section x**

VII-x-1      Change the administration and distribution of the Public Education Capital Outlay and Debt Service Trust Fund to grant school districts a defined percentage of the proceeds.

VII-x-2      Reconcile the tax on manufacturers.

VII-x-3      (1) Make possible for the Legislature to earmark certain fees/taxes for the bonding of capital outlay and (2) restructure the tax system by eliminating the multitude of exemptions.

**MOTION**

On motion by Commissioner Nabors, Public Proposal Number VII-x-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

VII-x-4      Supports a provision that the cost of the justice system may not exceed 5% of the total budget.

VII-x-5      Opposes any amendment that would establish a constitutional state land acquisition fund or program.

VII-x-6      Supports a constitutional amendment that would prohibit taxing food and medicine.

VII-x-7      Supports the flat tax and national sales tax and federal flat tax of 12%. Intangibles tax should be eliminated.

VII-x-8      Tie increases in government to increases in personal income.

*Proposal Number*      *Summary of Proposal*

**MOTION**

Commissioner Connor moved that Public Proposal Number VII-x-8 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

VII-x-9      State tax structure should balance between business and personal taxes.

VII-x-10     Mobile homeowners should not have to pay a sales tax on their purchase.

VII-x-11     Prohibit non-elected officials and boards from levying taxes.

VII-x-12     Neither the government nor its taxing authority should be permitted to charge more in penalties for late payment of taxes than the government or its agencies pay for early payment of taxes due.

VII-x-13     Outlaw any budget item that is indexed to inflation.

**Article VIII, Local Government**

**MOTION**

On motion by Commissioner Scott, the following concept relating to Article VIII, Local Government, received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission:

Sovereign immunity

**Article VIII, Section 1**

VIII-1-a-1    Do not revise Art. VIII relating to home rule.

VIII-1-d-1    Require constitutional officers, who are elected by voters, to levy the taxes necessary to support their individual budgets.

VIII-1-e-1    Require penalties if county commissions fail to follow the law by thwarting a home rule commission by failing to fund the expenses as required by law.

VIII-1-g-1    Amend Art.VIII, s.1(g), to permit charter counties to set forth in their charters a procedure for incorporation and annexation as an alternative to incorporation and annexation by special law.

VIII-1-1-1    Amend Art.VIII, s.1(g), to permit charter counties to set forth in their charters a procedure for incorporation and annexation as an alternative to incorporation and annexation by special law.

**Article VIII, Section 2**

VIII-2-1      Require study and a referendum before any municipality may be abolished, merged or consolidated with another local government.

VIII-2-a-1    Amend Art.VIII, s.2(a), regarding formation of municipalities, s.2(c), regarding annexation, and s.3, regarding consolidation, and to permit charter counties to provide a process for incorporation, consolidation and annexation in its charter or otherwise strengthen the role of local government in the formation process.

VIII-2-b-1    Amend Art.VIII, s.2(b), to provide that municipalities may exercise any power for municipal purposes except where prohibited by law.

**Article VIII, Section 4**

VIII-4-1      Remove Art.VIII, s.4, from the Constitution or amend it to read: ... any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law, *or as provided by county charter.*

## Proposal Number

## Summary of Proposal

**Article VIII, Section 9**

- VIII-9-b (a) Amend the Constitution to allow local government to levy taxes (in addition to ad valorem) not inconsistent with general law.  
 (b) Completely remove state tax preemption.  
 (c) Remove the 10 mil millage caps completely, or allow caps to be set by general law.  
 (d) Create a process whereby a local government may raise the millage caps.  
 (e) Eliminate the ad valorem tax and replace the tax with other revenue sources.

**Article VIII, Section x**

- VIII-x-1 Require county managers to have a minimum qualification of an associates degree.
- VIII-x-2 Require local government officials to be trained and skilled in the issues of building, zoning and code enforcement.
- VIII-x-3 Home rule should be retained regardless of whether a county is chartered.
- VIII-x-4 Reduce the size of government and eliminate all state level positions that could be handled at the local level.
- VIII-x-5 Overrule *Snyder v. Brevard County* and *Jennings v. Dade County* thereby permitting citizens the right to speak with their elected official relating to zoning matters.

**MOTION**

On motion by Commissioner Nabors, Public Proposal Number VIII-x-5 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- VIII-x-6 Require each community to have a binding referendum on community police forces.
- VIII-x-7 (a) Require all counties to adopt a charter and permit the charters to provide process for the transfer of service delivery functions, annexation and incorporation with the terms of the charter.  
 (b) Retain the distinction between non-charter and charter counties yet permit charter counties the authority to provide for the transfer of service delivery functions, annexation and incorporation with the terms of the charter.
- VIII-x-8 (a) Recognize special districts as special purpose local governments created by general or special act and lacking home rule authority in Art. VIII.  
 (b) Recognize special districts as special purpose local governments but grant charter counties the authority to provide by charter a process for the transfer of service delivery functions from an independent special district whose boundaries fall within the county to the charter county.

**Article IX, Education****MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article IX, Education, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

Splitting counties into school districts;

Bonding and taxing authority;

Reformation of the State Board of Education

**Article IX, Section 1**

- IX-1-1 Specific appropriation budget should be designated in the Constitution.

## Proposal Number

## Summary of Proposal

**MOTION**

Commissioner Riley moved that Public Proposal Number IX-1-1 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

- IX-1-2 Advocates the language of the 1868 Constitution which provided that education shall be paramount in Florida and that there shall be a free public university system.

**MOTION**

On motion by Commissioner Mathis, Public Proposal Number IX-1-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- IX-1-3 Broaden the right to a free education to include the first two years of college.

**MOTION**

On motion by Commissioner Rundle, Public Proposal Number IX-1-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article IX, Section 2**

- IX-2-1 Create an appointed rather than elected Commissioner of Education.

**MOTION**

On motion by Commissioner Riley, Public Proposal Number IX-2-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article IX, Section 4**

- IX-4-a-1 Regionalize school boards for counties with small populations.
- IX-4-a-2 Allow counties to divide into smaller school districts.

**MOTION**

On motion by Commissioner Marshall, Public Proposal Number IX-4-a-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- IX-4-1 Clarify the status of school boards. Are they constitutional bodies?

**Article IX, Section 5**

- IX-5-1 Recommends changing to an appointed superintendent of schools.

**MOTION**

On motion by Commissioners Riley and Marshall, Public Proposal Number IX-5-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article IX, Section x**

- IX-x-1 Until the underlying problems with the schools are solved so that students are prepared in basic skills, no additional funding should be provided.
- IX-x-2 Consider a way to bring discipline into the schools.
- IX-x-3 Provide for educational vouchers and school choice.

*Proposal Number*                      *Summary of Proposal*

**MOTION**

Commissioner Connor moved that Public Proposal Number IX-x-3 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

- IX-x-3a      School choice is too restrictive.
- IX-x-4      Provide breakfast and lunch to public school students free of charge without means testing.
- IX-x-5      Provide funding for education at a rate of no less than 25% of the amount spent on prisoners.
- IX-x-6      The statutory grant of homerule power to school boards exceeds legislative authority.

**Article X, Miscellaneous**

**MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article X, Miscellaneous, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

- Private property rights;
- Environmental bonding authority (P2000);
- Limitation of homestead exemption for bankruptcy;
- Sovereign immunity

**Article X, Section 2**

- X-2-b      Amend Art.X, s.2(b), to read: (b) The organizing, equipping, housing, maintaining, disciplining, *including incarceration pursuant to Court-Martial actions*, of the militia, and safekeeping of public arms may be provided for by law. Amend Art.X, s.2(d), to read: (d) The qualifications of personnel and officers of the federally recognized national guard, including adjutant general, and the grounds and proceedings for their discipline, *including incarceration pursuant to a valid Court-Martial proceeding*, and removal shall conform to the appropriate United States Army or Air Force regulations and usages.

**Article X, Section 4**

- X-4-a-1      Do not cap homestead or do away with unlimited homestead exemption.
- X-4-a-2      Amend Art.X, s.4(a), to clarify that homestead property should not be protected from forfeiture actions.

**MOTION**

On motion by Commissioner Rundle, Public Proposal Number X-4-a-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- X-4-a-3      Amend Art.X, s.4, to reduce the size of an estate that is protected in a bankruptcy estate. In addition, set a value which represents the amount protected.
- X-4-a-4      Eliminate mechanics' liens.
- X-4-c-1      The prohibition against devising a homestead if the devisee is survived by a spouse or minor children should be eliminated.

**Article X, Section 6**

- X-6-a-1      Amend Art.X, s.6(a), to read "No private property shall be taken except for a *substantial, explicit* public use and with full compensation made to each owner or secured by deposit in the registry of the court and available to the owner."

*Proposal Number*                      *Summary of Proposal*

- X-6-2      Make changes to the eminent domain law.

**MOTION**

Commissioner Riley moved that Public Proposal Number X-6-2 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

**Article X, Section 7**

- X-7-1      Authorize casino gambling in Florida.

**Article X, Section 10**

- X-10-1      Amend Art.X, s.10, to limit felonies to extremely serious crimes.
- X-10-2      Define in Art.X, s.10, acts which constitute felonies. Decriminalize acts that are merely acts of poor moral conduct or opinionated disfavor.

**Article X, Section 11**

- X-11-1      Clarify federal land and water body designations.

**Article X, Section 13**

- X-13-1      Sovereign immunity should not apply when the government is performing a business or private function.
- X-13-2      Eliminate the cap on the waiver of sovereign immunity.

**MOTION**

On motion by Commissioner Zack, Public Proposal Number X-13-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article X, Section 14**

- X-14-1      Make provisions that dues of the Florida Retirement System should be adequately protected.

**MOTION**

On motion by Commissioner Riley, Public Proposal Number X-14-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

- X-14-2      Amend Art.X, s.14, to provide that the administration of the public retirement system shall require the Board of Trustees to hold and invest all assets for the exclusive purpose of providing benefits to all members.

**MOTION**

On motion by Commissioner Wetherington, Public Proposal Number X-14-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article X, Section 15**

- X-15-1      Require lottery funds to be supplemental to general revenue with general revenue being no less than 4% of the actual percentage of the general revenue budget allocation to education as it was at the time the lottery was approved.

**MOTION**

On motion by Commissioner Zack, Public Proposal Number X-15-1 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
<b>Article X, Section 16</b>	
X-16-1	Consider the impact of the net ban on the coastal heritage of Florida. Put the net ban back on the ballot now that people understand its effect.
X-16-2	Do not change, delete or modify the net ban.

**MOTION**

On motion by Commissioner Sundberg, Public Proposal Number X-16-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article X, Section x**

X-x-1	Include tort reform in the revision process.
X-x-2	Provide a property rights amendment.
X-x-3	If a property owner meets all written requirements, the controlling governmental body should not be able to deny a permit. The term "compatibility" should be clearly defined.
X-x-4	Protect our environmental and planning agencies from laws that benefit a landowner who destroys a public resource at the expense of the community.
X-x-5	Adopt the following relating to private property rights: "State government is delegated the limited power to regulate the use of private property solely to protect public health and safety in accordance with the common law's standards of nuisance."
X-x-6	Adopt the following proposal relating to the government's power to regulate the use of private property: "Government is delegated the limited power to regulate the use of private property solely to protect public health and safety, in accordance with common law's standards of nuisance. This delegation of power shall be interpreted narrowly."

**Article XI, Amendments**

**MOTION**

On motion by Commissioner Scott, the following general concepts raised by the public relating to Article XI, Amendments, received the requisite ten votes of the members and were filed with the Secretary for consideration by the Commission:

Statutory and constitutional initiatives. (Repetitive initiatives included)

**Article XI, Section 2**

XI-2-a-1	Members of the Constitution Revision Commission should be elected.
XI-2-a-2	Amend Art.XI, s.2(a)2., to read: <i>The Constitution Revision Commission must include at least one citizen from the middle, lower-middle and lower economic class levels.</i> The Legislature must appropriate a sum sufficient to cover travel and per diem expenses of the Commission members.
XI-2-a-3	Appointing authorities should be limited to appointing no more than 2 members of the same profession.

**Article XI, Section 3**

XI-3-1	Require a 3/5 vote for approval of constitutional amendments.
XI-3-2	Increase the number of signatures required for a petition to be placed on the ballot. Limit the time for the collection of signatures. Require a super majority vote and require the vote of a percentage of the counties. Allow for a statutory initiative.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
XI-3-3	Provide for statutory initiatives.
<b>MOTION</b>	
On motion by Commissioner Mills, Public Proposal Number XI-3-3 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.	
XI-3-4	Limit initiatives to the framework of government and not to government regulation.

**MOTION**

Commissioner Nabors moved that Public Proposal Number XI-3-4 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

XI-3-5	Allow Floridians to vote on all constitutional amendments.
XI-3-6	Do not change the initiative process.
XI-3-7	Eliminate the need for the initiative method to amend the Constitution.
XI-3-7	Modify the initiative process to establish criteria for determining issues that should be placed in the Constitution rather than the statutes.
XI-3-8	Ballot title and summary should be validated before the petition is circulated.
XI-3-9	Eliminate the single subject requirement for initiative petitions.
XI-3-10	Limit initiatives by (1) restricting the subject matter of an initiative to the subject of the structure of government or (2) treating initiatives like a special act which would apply only in counties where it passed.
XI-3-11	Modify the initiative process so that the Constitution cannot be so easily modified.
XI-3-12	Provide that initiatives must first be submitted to the Legislature. The Legislature would then have two years to act or the initiative would be placed on the ballot.

**MOTION**

Commissioner Mathis moved that Public Proposal Number XI-3-12 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

XI-3-13	When a citizen's initiative is submitted for review by the Courts as required by law and the Court rejects the initiative on the basis of inadequate or unclear ballot title and summary, the Court shall direct the Secretary of State to prepare such title and summary with wording that is satisfactory to the Court.
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**MOTION**

Commissioner Evans moved that Public Proposal Number XI-3-13 be filed with the Secretary for consideration by the Commission. The motion failed to receive the requisite ten votes of the members.

XI-3-14	When a citizen's initiative is eliminated because of inadequate or unclear ballot summary or title, require the Court to propose the necessary ballot statement and title.
XI-3-15	Regulate the funding relating to initiative petitions. Also provide for public forums.
XI-3-16	Make it a felony for any citizen to make a direct payment for another to sign a constitutional amendment initiative.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
XI-3-17	“The amount of compensation for gatherers of signatures, if any, for Voter Initiative Amendments shall not be directly related to the number of signatures gathered. They may receive an hourly rate of compensation, but such rate of compensation shall not change until after the petition for the proposed amendment and those signatures have been submitted and the signatures verified in accordance with established law and rules pertaining to Voter Initiative Amendments.”

**Article XII, Schedule**

**Article XII, Section 9**

XII-9-1	Add P2000 program to the Constitution and extend it to at least the year 2020. P2000 funds should not be used for things other than preservation.
XII-9-2	Establish a Florida Land and Water Conservation Fund, using revenues dedicated from documentary stamps to support long-term debt and pay-as-you-go programs to purchase high quality state conservation lands, grants to local governments for community based conservation projects, funding environmental restoration projects on public lands, and financing incentives for long-term conservation stewardship of private lands.

**MOTION**

On motion by Commissioner Henderson, Public Proposal Number XII-9-2 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

XII-9-3	Amend to provide a policy of no-net loss of conservation and recreation lands.
XII-9-4	The time limits for bonding for land preservation should be extended from 2013 to 2020.

<i>Proposal Number</i>	<i>Summary of Proposal</i>
	<b>MOTION</b>
	On motion by Commissioner Barkdull, Public Proposal Number XII-9-4 received the requisite ten votes of the members and was filed with the Secretary for consideration by the Commission.

**Article XII, Section x**

XII-x-1	Remove all of Art. XII.
XII-x-2	Establish a rigorous and consistent process governing the sale, lease or use of state conservation lands that will limit their use for purposes other than those for which they were purchased.

**MOTION**

On motion by Commissioner Barkdull, the following statement was ordered spread upon the Journal:

I would like to clarify the ruling of the Chair as to what process is being followed concerning public proposals that were specifically raised but did not get ten votes, as to where they lie today. It is my understanding that the ruling of the Chair was that if a proposal did not get ten votes and it was within the purview of the items that Commissioner Scott brought forth, it is still alive. But if a proposal was outside of the purview of the items that Commissioner Scott brought forth it, for all intents and purposes, did not go forward.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of July 21 was corrected and approved.

**RECESS**

On motion by Commissioner Barkdull, the Commission recessed at 2:25 p.m. to reconvene in session upon the call of the Chairman.

**CONSTITUTION REVISION COMMISSION**

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**CONSTITUTION REVISION COMMISSION  
B-11 HISTORIC CAPITOL  
TALLAHASSEE, FLORIDA 32399-1300**