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Summary Presentation from the Bills & Overtures Committee

Proposed Amendments to the Constitution

Presbytery of Florida
Spring Stated Meeting, 26 April 2011

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Overview

How the Bills & Overtures Committee recommends grouping the amendments for voting; the order in which they will be presented

- A (Gifts & Requirements for Ordination)
- B & C (Governance Issues : Removal from Office, Sexual Misconduct Policy)
- D & H (Nominations)
- E & F (Presbytery Rolls & Registers)
- G (Synod Function)
- I (*Directory for Worship*: Prayer in Ordination/Installation Services)
- M (Statute of Limitations on Filing Charges)
- J, K, L, N, & O (Rules of Discipline—various changes)

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10-A. Gifts & Requirements

On Amending G-6.0106b

Whether or not to amend the current wording depends upon whether one believes that the practice of sexual orientation should be a foundational consideration for ordination; and, if so, how that practice should be evaluated.

Implications: If approved, COMs and CPMs will be examining ministers and candidates more specifically and precisely on the ordination questions.

Recommendation: The committee recommends **approval**.

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10-B. Removing Stated Clerk or Clerk of Session

On Amending G-9.0203b

The amendment comes at the advice of the ACC in response to a question from the Presbytery of New York City regarding elected officers who fail to fulfill the required duties of their office.

Implications: In the case of stated clerks who carry both ecclesiastical and non-ecclesiastical responsibilities, the burdensome process of having two separate hearings is avoided, resulting in a more efficient process.

Recommendation: The committee recommends approval, and that the vote on this amendment be grouped with 10-C.

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10-C. Requiring Sexual Misconduct Policy

On Amending G-9.0404

In addition to the Office of the General Assembly and the General Assembly Mission Council, governing bodies at all levels would be required to adopt and implement a sexual misconduct policy.

Implications: Religious figures in authority would be held accountable to a clear standard designed to safeguard those under their care against sexual victimization.

Recommendation: The committee recommends approval, and that the vote on this amendment be grouped with 10-B.

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10-D. Nominating Committees

On Amending G-9.0801a

Offered at the suggestion of the General Assembly Committee on Representation, the amendment would loosen the proportional requirement currently in place for Nominating Committees at the presbytery and synod levels.

Implications: Presbytery and synod Nominating Committees would have greater flexibility, and there would be a more faithful adherence to the principle of parity.

Recommendation: The committee recommends approval, and that the vote on this amendment be grouped with 10-H.

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10-H. Nominations Process

On Amending G-13.0108, G-13.0111a, and G-13.0202b

Consistent with 10-D, the proposed wording changes here would loosen the proportional requirement currently in place for the General Assembly Committee on Representation, on nominees for General Assembly committees, and on the General Assembly Mission Council.

Implications: As with 10-D, there would be greater flexibility and more faithful adherence to the principle of parity.

Recommendation: The committee recommends **approval**, and that the vote on this amendment be grouped with 10-D.

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10-E. Presbytery Rolls & Registers

On Amending G-11.0407

The change would create a new category of "register" in addition to the four rolls that presbyteries maintain; there would be one register for the two categories of Christian educators, and another register for CLPs.

Implications: Differentiating "rolls" from "registers" distinguishes between continuing members of presbytery and those whose service falls under the presbytery's jurisdiction.

Recommendation: The committee recommends **approval**, and that the vote on this amendment be grouped with 10-F.

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10-F. Certified Christian Educators

On Amending G-11.0407 and G-14.0730

The clarification regarding which Certified Christian Educators are entitled to voice and vote in presbytery deliberations hinges on whether or not the educator is an elder.

Implications: The amended language seeks to clarify the status of Christian Educators, and to standardize their status were the educator to move from one presbytery to another.

Recommendation: The committee recommends **approval**, and that the vote on this amendment be grouped with 10-E.

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10-G. Synod Function

On Amending G-12.0100

The new section on synods would allow flexibility in determining how the various functions of middle governing bodies are to be handled, and by which entity (the presbytery or the synod).

Implications: Presbyteries could end up assuming additional responsibilities, but the process of determining these would be a cooperative one in which the responsibilities would be negotiated by mutual agreement.

Recommendation: The committee recommends approval.

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10-I. Prayer Added to Services of Ordination and Installation

On Amending W-4.4003h, W-4.4004a(2) and W-4.4006b(2)

The proposed wording inserts prayer into one of the ordination/installation questions, and adds it to the questions posed to the congregation at the time of ordination/installation.

Implications: The role and importance of prayer in ordained office would receive greater and more consistent emphasis.

Recommendation: While the committee concurred with the comment from the ACC that the amendment is constitutionally unnecessary, the committee also agreed with the spirit of the amendment and recommends approval.

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10-M. Time Limit

On Amending D-10.0401

Lengthening the period of time following an alleged offense within which charges can be filed would allow more time (five years) for the governing body to gain notice of the offense.

Implications: There is no statute of limitations on sexual misconduct charges, so the amendment would affect all other potential charges that could be brought against an individual.

Recommendation: The committee concurred with the rationale of the ACC and recommends **disapproval**.

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10-J. Stay of Enforcement

On Amending D-6.0103

In response to a referral from the Manager for Judicial Process, the proposed revision seeks to offer a more clearly defined process for challenging an action of a governing body.

Implications: The revised process would lessen the decision making power of the Stated Clerk in the event a stay of enforcement is not entered within the current 45-day deadline.

Recommendation: The committee recommends approval, and that the vote on this amendment be grouped with 10-K, 10-L, 10-N, and 10-O.

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10-K. Preliminary Questions

On Amending D-6.0306, D-8.0302, and D-13.0302

The new section proposed for these three paragraphs of the *Rules of Discipline* would alleviate a Permanent Judicial Commission from having to act when no challenge is made to the negative finding of a moderator and clerk.

Implications: Dismissal of a case would be automatic under the circumstances mentioned without having to have a Permanent Judicial Commission convene to take formal action.

Recommendation: The committee recommends approval, and that the vote on this amendment be grouped with 10-J, 10-L, 10-N, and 10-O.

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10-L. Reviewing Work of Investigating Committee

On Amending D-10.0202

The new paragraph would give an Investigating Committee the authority not to bring additional charges against an accused if new charges repeat those previously brought against the individual.

Implications: This amendment would alleviate undue distress and harassment of the accused, and provide reasonable parameters for introducing new charges.

Recommendation: The committee recommends approval, and that the vote on this amendment be grouped with 10-J, 10-K, 10-N, and 10-O.

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10-N. Appeal of "Not Guilty" Verdict

On Amending D-13.0102 and D-13.0106

The amendment would only allow the person found guilty to initiate appeal of a decision, and would no longer allow a prosecuting committee to appeal a "not guilty" verdict.

Implications: The current trend that has emerged since 2004-2005 of repeated appeals resulting in great emotional and financial cost would be stopped.

Recommendation: The committee recommends **approval**, and that the vote on this amendment be grouped with 10-J, 10-K, 10-L, and 10-O.

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10-O. Decision of Permanent Judicial Commission

On Amending D-13.0404

This amendment would require a Permanent Judicial Commission to remand the case for a new trial if a prosecuting committee's appeal of a "not guilty" verdict is sustained.

Implications: This amendment becomes moot if 10-N is ratified by a majority of the presbyteries. If 10-N is not ratified and this one is, the response of a Permanent Judicial Commission would be limited in the event a prosecuting committee appeals a verdict.

Recommendation: The committee recommends **approval**, and that the vote on this amendment be grouped with 10-J, 10-K, 10-L, and 10-N.
