



1 therein to the extent necessary to comply with all obligations  
2 to or for the benefit of holders of bonds or certificates  
3 issued before the effective date of this amendment or any  
4 refundings thereof which are secured by such gross receipts  
5 taxes. No bonds or other obligations may be issued pursuant  
6 to the provisions of Article XII, Section 19, of the  
7 Constitution of 1885, as amended, but this provision shall not  
8 be construed to prevent the refunding of any such outstanding  
9 bonds or obligations pursuant to the provisions of this  
10 subsection (a)(2).

11         Subject to the requirements of the first paragraph of  
12 this subsection (a)(2), beginning July 1, 1975, all of the  
13 proceeds of the revenues derived from the gross receipts taxes  
14 collected from every person, including municipalities, as  
15 provided and levied pursuant to the provisions of chapter 203,  
16 Florida Statutes, as such chapter is amended from time to  
17 time, shall, as collected, be placed in a trust fund to be  
18 known as the "public education capital outlay and debt service  
19 trust fund" in the state treasury (hereinafter referred to as  
20 "capital outlay fund"), and used only as provided herein.

21         The capital outlay fund shall be administered by the  
22 state board of education as created and constituted by Section  
23 2 of Article IX of the Constitution of Florida as revised in  
24 1968 (hereinafter referred to as "state board"), or by such  
25 other instrumentality of the state which shall hereafter  
26 succeed by law to the powers, duties and functions of the  
27 state board, including the powers, duties and functions of the  
28 state board provided in this subsection (a)(2). The state  
29 board shall be a body corporate and shall have all the powers  
30 provided herein in addition to all other constitutional and  
31 statutory powers related to the purposes of this subsection

1 (a)(2) heretofore or hereafter conferred by law upon the state  
2 board, or its predecessor created by the Constitution of 1885,  
3 as amended.

4 State bonds pledging the full faith and credit of the  
5 state may be issued, without a vote of the electors, by the  
6 state board pursuant to law to finance or refinance capital  
7 projects theretofore authorized by the legislature, and any  
8 purposes appurtenant or incidental thereto, for the state  
9 system of public education provided for in Section 1 of  
10 Article IX of this Constitution (hereinafter referred to as  
11 "state system"), including but not limited to institutions of  
12 higher learning, community colleges, vocational technical  
13 schools, or public schools, as now defined or as may hereafter  
14 be defined by law. All such bonds shall mature not later than  
15 thirty years after the date of issuance thereof. All other  
16 details of such bonds shall be as provided by law or by the  
17 proceedings authorizing such bonds; provided, however, that no  
18 bonds, except refunding bonds, shall be issued, and no  
19 proceeds shall be expended for the cost of any capital  
20 project, unless such project has been authorized by the  
21 legislature.

22 Bonds issued pursuant to this subsection (a)(2) shall  
23 be primarily payable from such revenues derived from gross  
24 receipts taxes and other legally available pledged revenues,  
25 and shall be additionally secured by the full faith and credit  
26 of the state. No such bonds shall ever be issued in an amount  
27 exceeding ninety percent of the amount which the state board  
28 determines can be serviced by the revenues derived from the  
29 gross receipts taxes and other legally available pledged  
30 revenues accruing thereafter under the provisions of this  
31 subsection (a)(2), and such determination shall be conclusive.

1           The moneys in the capital outlay fund in each fiscal  
2 year shall be used only for the following purposes and in the  
3 following order of priority:

4           a. For the payment of the principal of and interest on  
5 any bonds due in such fiscal year;

6           b. For the deposit into any reserve funds provided for  
7 in the proceedings authorizing the issuance of bonds of any  
8 amounts required to be deposited in such reserve funds in such  
9 fiscal year;

10           c. For direct payment of the cost or any part of the  
11 cost of any capital project for the state system theretofore  
12 authorized by the legislature, or for the purchase or  
13 redemption of outstanding bonds in accordance with the  
14 provisions of the proceedings which authorized the issuance of  
15 such bonds, or for the purpose of maintaining, restoring, or  
16 repairing existing public educational facilities.

17           (b) REFUNDING BONDS. Revenue bonds to finance the  
18 cost of state capital projects issued prior to the date this  
19 revision becomes effective, including projects of the Florida  
20 state turnpike authority or its successor but excluding all  
21 portions of the state highway system, may be refunded as  
22 provided by law without vote of the electors at a lower net  
23 average interest cost rate by the issuance of bonds maturing  
24 not later than the obligations refunded, secured by the same  
25 revenues only.

26           (c) MOTOR VEHICLE FUEL TAXES.

27           (1) A state tax, designated "second gas tax," of two  
28 cents per gallon upon gasoline and other like products of  
29 petroleum and an equivalent tax upon other sources of energy  
30 used to propel motor vehicles as levied by Article IX, Section  
31 16, of the Constitution of 1885, as amended, is hereby

1 continued. The proceeds of said tax shall be placed monthly in  
2 the state roads distribution fund in the state treasury.

3 (2) Article IX, Section 16, of the Constitution of  
4 1885, as amended, is adopted by this reference as a part of  
5 this revision as completely as though incorporated herein  
6 verbatim for the purpose of providing that after the effective  
7 date of this revision the proceeds of the "second gas tax" as  
8 referred to therein shall be allocated among the several  
9 counties in accordance with the formula stated therein to the  
10 extent necessary to comply with all obligations to or for the  
11 benefit of holders of bonds, revenue certificates and tax  
12 anticipation certificates or any refundings thereof secured by  
13 any portion of the "second gas tax."

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

24 (4) Subject to the requirements of paragraph (2) of  
25 this subsection and after payment of administrative expenses,  
26 the "second gas tax" shall be allocated to the account of each  
27 of the several counties in the amounts to be determined as  
28 follows: There shall be an initial allocation of one-fourth in  
29 the ratio of county area to state area, one-fourth in the  
30 ratio of the total county population to the total population  
31 of the state in accordance with the latest available federal

1 census, and one-half in the ratio of the total "second gas  
2 tax" collected on retail sales or use in each county to the  
3 total collected in all counties of the state during the  
4 previous fiscal year. If the annual debt service requirements  
5 of any obligations issued for any county, including any  
6 deficiencies for prior years, secured under paragraph (2) of  
7 this subsection, exceeds the amount which would be allocated  
8 to that county under the formula set out in this paragraph,  
9 the amounts allocated to other counties shall be reduced  
10 proportionately.

11 (5) Funds allocated under paragraphs (2) and (4) of  
12 this subsection shall be administered by the state board of  
13 administration created under said Article IX, Section 16, of  
14 the Constitution of 1885, as amended, and which is continued  
15 as a body corporate for the life of this subsection 9(c). The  
16 board shall remit the proceeds of the "second gas tax" in each  
17 county account for use in said county as follows: eighty per  
18 cent to the state agency supervising the state road system and  
19 twenty per cent to the governing body of the county. The  
20 percentage allocated to the county may be increased by general  
21 law. The proceeds of the "second gas tax" subject to  
22 allocation to the several counties under this paragraph (5)  
23 shall be used first, for the payment of obligations pledging  
24 revenues allocated pursuant to Article IX, Section 16, of the  
25 Constitution of 1885, as amended, and any refundings thereof;  
26 second, for the payment of debt service on bonds issued as  
27 provided by this paragraph (5) to finance the acquisition and  
28 construction of roads as defined by law; and third, for the  
29 acquisition and construction of roads and for road maintenance  
30 as authorized by law. When authorized by law, state bonds  
31 pledging the full faith and credit of the state may be issued

1 without any election: (i) to refund obligations secured by any  
2 portion of the "second gas tax" allocated to a county under  
3 Article IX, Section 16, of the Constitution of 1885, as  
4 amended; (ii) to finance the acquisition and construction of  
5 roads in a county when approved by the governing body of the  
6 county and the state agency supervising the state road system;  
7 and (iii) to refund obligations secured by any portion of the  
8 "second gas tax" allocated under paragraph 9(c)(4). No such  
9 bonds shall be issued unless a state fiscal agency created by  
10 law has made a determination that in no state fiscal year will  
11 the debt service requirements of the bonds and all other bonds  
12 secured by the pledged portion of the "second gas tax"  
13 allocated to the county exceed seventy-five per cent of the  
14 pledged portion of the "second gas tax" allocated to that  
15 county for the preceding state fiscal year, of the pledged net  
16 tolls from existing facilities collected in the preceding  
17 state fiscal year, and of the annual average net tolls  
18 anticipated during the first five state fiscal years of  
19 operation of new projects to be financed, and of any other  
20 legally available pledged revenues collected in the preceding  
21 state fiscal year. Bonds issued pursuant to this subsection  
22 shall be payable primarily from the pledged tolls, the pledged  
23 portions of the "second gas tax" allocated to that county, and  
24 any other pledged revenue, and shall mature not later than  
25 forty years from the date of issuance.

26 (d) SCHOOL BONDS.

27 (1) Article XII, Section 9, Subsection (d) of this  
28 constitution, as amended, (which, by reference, adopted  
29 Article XII, Section 18, of the Constitution of 1885, as  
30 amended) as the same existed immediately before the effective  
31 date of this amendment is adopted by this reference as part of

1 this amendment as completely as though incorporated herein  
2 verbatim, for the purpose of providing that after the  
3 effective date of this amendment the first proceeds of the  
4 revenues derived from the licensing of motor vehicles as  
5 referred to therein shall be distributed annually among the  
6 several counties in the ratio of the number of instruction  
7 units in each county, the same being coterminus with the  
8 school district of each county as provided in Article IX,  
9 Section 4, Subsection (a) of this constitution, in each year  
10 computed as provided therein to the extent necessary to comply  
11 with all obligations to or for the benefit of holders of bonds  
12 or motor vehicle tax anticipation certificates issued before  
13 the effective date of this amendment or any refundings thereof  
14 which are secured by any portion of such revenues derived from  
15 the licensing of motor vehicles.

16 (2) No funds anticipated to be distributed annually  
17 among the several counties under the formula stated in Article  
18 XII, Section 9, Subsection (d) of this constitution, as  
19 amended, as the same existed immediately before the effective  
20 date of this amendment shall be pledged as security for any  
21 obligations hereafter issued or entered into, except that any  
22 outstanding obligations previously issued pledging such funds  
23 may be refunded by the issuance of refunding bonds.

24 (3) Subject to the requirements of paragraph (1) of  
25 this subsection (d) beginning July 1, 1973, the first proceeds  
26 of the revenues derived from the licensing of motor vehicles  
27 (hereinafter called "motor vehicle license revenues") to the  
28 extent necessary to comply with the provisions of this  
29 amendment, shall, as collected, be placed monthly in the  
30 school district and community college district capital outlay  
31 and debt service fund in the state treasury and used only as

1 provided in this amendment. Such revenue shall be distributed  
2 annually among the several school districts and community  
3 college districts in the ratio of the number of instruction  
4 units in each school district or community college district in  
5 each year computed as provided herein. The amount of the  
6 first motor vehicle license revenues to be so set aside in  
7 each year and distributed as provided herein shall be an  
8 amount equal in the aggregate to the product of six hundred  
9 dollars (\$600) multiplied by the total number of instruction  
10 units in all the school districts of Florida for the school  
11 fiscal year 1967-68, plus an amount equal in the aggregate to  
12 the product of eight hundred dollars (\$800) multiplied by the  
13 total number of instruction units in all the school districts  
14 of Florida for the school fiscal year 1972-73 and for each  
15 school fiscal year thereafter which is in excess of the total  
16 number of such instruction units in all the school districts  
17 of Florida for the school fiscal year 1967-68, such excess  
18 units being designated "growth units." The amount of the  
19 first motor vehicle license revenues to be so set aside in  
20 each year and distributed as provided herein shall  
21 additionally be an amount equal in the aggregate to the  
22 product of four hundred dollars (\$400) multiplied by the total  
23 number of instruction units in all community college districts  
24 of Florida. The number of instruction units in each school  
25 district or community college district in each year for the  
26 purposes of this amendment shall be the greater of (1) the  
27 number of instruction units in each school district for the  
28 school fiscal year 1967-68 or community college district for  
29 the school fiscal year 1968-69 computed in the manner  
30 heretofore provided by general law, or (2) the number of  
31 instruction units in such school district, including growth

1 units, or community college district for the school fiscal  
2 year computed in the manner heretofore or hereafter provided  
3 by general law and approved by the state board of education  
4 (hereinafter called the state board), or (3) the number of  
5 instruction units in each school district, including growth  
6 units, or community college district on behalf of which the  
7 state board has issued bonds or motor vehicle license revenue  
8 anticipation certificates under this amendment which will  
9 produce sufficient revenues under this amendment to equal one  
10 and twelve-hundredths (1.12) times the aggregate amount of  
11 principal of and interest on all bonds or motor vehicle  
12 license revenue anticipation certificates issued under this  
13 amendment which will mature and become due in such year,  
14 computed in the manner heretofore or hereafter provided by  
15 general law and approved by the state board.

16 (4) Such funds so distributed shall be administered by  
17 the state board as now created and constituted by Section 2 of  
18 Article IX of the State Constitution as revised in 1968, or by  
19 such other instrumentality of the state which shall hereafter  
20 succeed by law to the powers, duties and functions of the  
21 state board, including the powers, duties and functions of the  
22 state board provided in this amendment. For the purposes of  
23 this amendment, said state board shall be a body corporate and  
24 shall have all the powers provided in this amendment in  
25 addition to all other constitutional and statutory powers  
26 related to the purposes of this amendment heretofore or  
27 hereafter conferred upon said state board.

28 (5) The state board shall, in addition to its other  
29 constitutional and statutory powers, have the management,  
30 control and supervision of the proceeds of the first motor  
31 vehicle license revenues provided for in this subsection (d).

1 The state board shall also have power, for the purpose of  
2 obtaining funds for the use of any school board of any school  
3 district or board of trustees of any community college  
4 district in acquiring, building, constructing, altering,  
5 remodeling, improving, enlarging, furnishing, equipping,  
6 maintaining, renovating, or repairing of capital outlay  
7 projects for school purposes to issue bonds or motor vehicle  
8 license revenue anticipation certificates, and also to issue  
9 such bonds or motor vehicle license revenue anticipation  
10 certificates to pay, fund or refund any bonds or motor vehicle  
11 license revenue anticipation certificates theretofore issued  
12 by said state board. All such bonds or motor vehicle license  
13 revenue anticipation certificates shall bear interest at not  
14 exceeding the rate provided by general law and shall mature  
15 not later than thirty years after the date of issuance  
16 thereof. The state board shall have power to determine all  
17 other details of the bonds or motor vehicle license revenue  
18 anticipation certificates and to sell in the manner provided  
19 by general law, or exchange the bonds or motor vehicle license  
20 revenue anticipation certificates, upon such terms and  
21 conditions as the state board shall provide.

22 (6) The state board shall also have power to pledge  
23 for the payment of the principal of and interest on such bonds  
24 or motor vehicle license revenue anticipation certificates,  
25 including refunding bonds or refunding motor vehicle license  
26 revenue anticipation certificates, all or any part from the  
27 motor vehicle license revenues provided for in this amendment  
28 and to enter into any covenants and other agreements with the  
29 holders of such bonds or motor vehicle license revenue  
30 anticipation certificates at the time of the issuance thereof  
31 concerning the security thereof and the rights of the holders

1 thereof, all of which covenants and agreements shall  
2 constitute legally binding and irrevocable contracts with such  
3 holders and shall be fully enforceable by such holders in any  
4 court of competent jurisdiction.

5 (7) No such bonds or motor vehicle license revenue  
6 anticipation certificates shall ever be issued by the state  
7 board, except to refund outstanding bonds or motor vehicle  
8 license revenue anticipation certificates, until after the  
9 adoption of a resolution requesting the issuance thereof by  
10 the school board of the school district or board of trustees  
11 of the community college district on behalf of which the  
12 obligations are to be issued. The state board of education  
13 shall limit the amount of such bonds or motor vehicle license  
14 revenue anticipation certificates which can be issued on  
15 behalf of any school district or community college district to  
16 ninety percent (90%) of the amount which it determines can be  
17 serviced by the revenue accruing to the school district or  
18 community college district under the provisions of this  
19 amendment, and shall determine the reasonable allocation of  
20 the interest savings from the issuance of refunding bonds or  
21 motor vehicle license revenue anticipation certificates, and  
22 such determinations shall be conclusive. All such bonds or  
23 motor vehicle license revenue anticipation certificates shall  
24 be issued in the name of the state board of education but  
25 shall be issued for and on behalf of the school board of the  
26 school district or board of trustees of the community college  
27 district requesting the issuance thereof, and no election or  
28 approval of qualified electors shall be required for the  
29 issuance thereof.

30 (8) The state board shall in each year use the funds  
31 distributable pursuant to this amendment to the credit of each

1 school district or community college district only in the  
2 following manner and in order of priority:

3 a. To comply with the requirements of paragraph (1) of  
4 this subsection (d).

5 b. To pay all amounts of principal and interest due in  
6 such year on any bonds or motor vehicle license revenue  
7 anticipation certificates issued under the authority hereof,  
8 including refunding bonds or motor vehicle license revenue  
9 anticipation certificates, issued on behalf of the school  
10 board of such school district or board of trustees of such  
11 community college district; subject, however, to any covenants  
12 or agreements made by the state board concerning the rights  
13 between holders of different issues of such bonds or motor  
14 vehicle license revenue anticipation certificates, as herein  
15 authorized.

16 c. To establish and maintain a sinking fund or funds  
17 to meet future requirements for debt service or reserves  
18 therefor, on bonds or motor vehicle license revenue  
19 anticipation certificates issued on behalf of the school board  
20 of such school district or board of trustees of such community  
21 college district under the authority hereof, whenever the  
22 state board shall deem it necessary or advisable, and in such  
23 amounts and under such terms and conditions as the state board  
24 shall in its discretion determine.

25 d. To distribute annually to the several school boards  
26 of the school districts or the boards of trustees of the  
27 community college districts for use in payment of debt service  
28 on bonds heretofore or hereafter issued by any such school  
29 boards of the school districts or boards of trustees of the  
30 community college districts where the proceeds of the bonds  
31 were used, or are to be used, in the acquiring, building,

1 constructing, altering, remodeling, improving, enlarging,  
2 furnishing, equipping, maintaining, renovating, or repairing  
3 of capital outlay projects in such school districts or  
4 community college districts and which capital outlay projects  
5 have been approved by the school board of the school district  
6 or board of trustees of the community college district,  
7 pursuant to the most recent survey or surveys conducted under  
8 regulations prescribed by the state board to determine the  
9 capital outlay needs of the school district or community  
10 college district. The state board shall have power at the  
11 time of issuance of any bonds by any school board of any  
12 school district or board of trustees of any community college  
13 district to covenant and agree with such school board or board  
14 of trustees as to the rank and priority of payments to be made  
15 for different issues of bonds under this subparagraph d., and  
16 may further agree that any amounts to be distributed under  
17 this subparagraph d. may be pledged for the debt service on  
18 bonds issued by any school board of any school district or  
19 board of trustees of any community college district and for  
20 the rank and priority of such pledge. Any such covenants or  
21 agreements of the state board may be enforced by any holders  
22 of such bonds in any court of competent jurisdiction.

23 e. To pay the expenses of the state board in  
24 administering this subsection (d), which shall be prorated  
25 among the various school districts and community college  
26 districts and paid out of the proceeds of the bonds or motor  
27 vehicle license revenue anticipation certificates or from the  
28 funds distributable to each school district and community  
29 college district on the same basis as such motor vehicle  
30 license revenues are distributable to the various school  
31 districts and community college districts.

1           f. To distribute annually to the several school boards  
2 of the school districts or boards of trustees of the community  
3 college districts for the payment of the cost of acquiring,  
4 building, constructing, altering, remodeling, improving,  
5 enlarging, furnishing, equipping, maintaining, renovating, or  
6 repairing of capital outlay projects for school purposes in  
7 such school district or community college district as shall be  
8 requested by resolution of the school board of the school  
9 district or board of trustees of the community college  
10 district.

11           g. When all major capital outlay needs of a school  
12 district or community college district have been met as  
13 determined by the state board, on the basis of a survey made  
14 pursuant to regulations of the state board and approved by the  
15 state board, all such funds remaining shall be distributed  
16 annually and used for such school purposes in such school  
17 district or community college district as the school board of  
18 the school district or board of trustees of the community  
19 college district shall determine, or as may be provided by  
20 general law.

21           (9) Capital outlay projects of a school district or  
22 community college district shall be eligible to participate in  
23 the funds accruing under this amendment and derived from the  
24 proceeds of bonds and motor vehicle license revenue  
25 anticipation certificates and from the motor vehicle license  
26 revenues, only in the order of priority of needs, as shown by  
27 a survey or surveys conducted in the school district or  
28 community college district under regulations prescribed by the  
29 state board, to determine the capital outlay needs of the  
30 school district or community college district and approved by  
31 the state board; provided that the priority of such projects

1 may be changed from time to time upon the request of the  
2 school board of the school district or board of trustees of  
3 the community college district and with the approval of the  
4 state board; and provided, further, that this paragraph (9)  
5 shall not in any manner affect any covenant, agreement or  
6 pledge made by the state board in the issuance by said state  
7 board of any bonds or motor vehicle license revenue  
8 anticipation certificates, or in connection with the issuance  
9 of any bonds of any school board of any school district or  
10 board of trustees of any community college district.

11 (10) The state board shall have power to make and  
12 enforce all rules and regulations necessary to the full  
13 exercise of the powers herein granted and no legislation shall  
14 be required to render this amendment of full force and  
15 operating effect. The legislature shall not reduce the levies  
16 of said motor vehicle license revenues during the life of this  
17 amendment to any degree which will fail to provide the full  
18 amount necessary to comply with the provisions of this  
19 amendment and pay the necessary expenses of administering the  
20 laws relating to the licensing of motor vehicles, and shall  
21 not enact any law having the effect of withdrawing the  
22 proceeds of such motor vehicle license revenues from the  
23 operation of this amendment and shall not enact any law  
24 impairing or materially altering the rights of the holders of  
25 any bonds or motor vehicle license revenue anticipation  
26 certificates issued pursuant to this amendment or impairing or  
27 altering any covenant or agreement of the state board, as  
28 provided in such bonds or motor vehicle license revenue  
29 anticipation certificates.

30 (11) Bonds issued by the state board pursuant to this  
31 subsection (d) shall be payable primarily from said motor

1 vehicle license revenues as provided herein, and if heretofore  
2 or hereafter authorized by law, may be additionally secured by  
3 pledging the full faith and credit of the state without an  
4 election. When heretofore or hereafter authorized by law,  
5 bonds issued pursuant to Article XII, Section 18 of the  
6 Constitution of 1885, as amended prior to 1968, and bonds  
7 issued pursuant to Article XII, Section 9, subsection (d) of  
8 the Constitution as revised in 1968, and bonds issued pursuant  
9 to this subsection (d), may be refunded by the issuance of  
10 bonds additionally secured by the full faith and credit of the  
11 state.

12 (e) DEBT LIMITATION. Bonds issued pursuant to this  
13 Section 9 of Article XII which are payable primarily from  
14 revenues pledged pursuant to this section shall not be  
15 included in applying the limits upon the amount of state bonds  
16 contained in Section 11, Article VII, of this revision.

17 BE IT FURTHER RESOLVED that in accordance with the  
18 requirements of section 101.161, Florida Statutes, the title  
19 and substance of the amendment proposed herein shall appear on  
20 the ballot as follows:

21 PERMITTING OTHER REVENUES TO BE  
22 PLEDGED FOR PUBLIC EDUCATION  
23 CAPITAL OUTLAY BONDS

24 Proposing an amendment to Section 9 of Article XII of  
25 the State Constitution permitting other legally available  
26 revenues other than revenues derived from gross receipts taxes  
27 to be pledged for the payment of bonds issued pursuant to  
28 subsection (a)(2).

29  
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