

Bill No. SJR 1918

Barcode 773348

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Webster) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the resolving clause

and insert:

That the following revision to the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, ensure ~~insure~~ domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

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ARTICLE I

DECLARATION OF RIGHTS

SECTION 1. Political power.--All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

SECTION 2. Basic rights.--All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess, and protect property; except that the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

SECTION 3. Religious freedom.--There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace, or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

SECTION 4. Freedom of speech and press.--Every person may speak, write, and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of

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1 the press. In all criminal prosecutions and civil actions for  
2 defamation, the truth may be given in evidence. If the matter  
3 charged as defamatory is true and was published with good  
4 motives, the party shall be acquitted or exonerated.

5 SECTION 5. Right to assemble.--The people shall have  
6 the right peaceably to assemble, to instruct their  
7 representatives, and to petition for redress of grievances.

8 SECTION 6. Right to work.--The right of persons to  
9 work shall not be denied or abridged on account of membership  
10 or nonmembership ~~non-membership~~ in any labor union or labor  
11 organization. The right of employees, by and through a labor  
12 organization, to bargain collectively shall not be denied or  
13 abridged. Public employees shall not have the right to strike.

14 SECTION 7. Military power.--The military power shall  
15 be subordinate to the civil.

16 SECTION 8. Right to bear arms.--

17 (a) The right of the people to keep and bear arms in  
18 defense of themselves and of the lawful authority of the state  
19 shall not be infringed, except that the manner of bearing arms  
20 may be regulated by law.

21 (b) There shall be a mandatory period of three days,  
22 excluding weekends and legal holidays, between the purchase  
23 and delivery at retail of any handgun. For the purposes of  
24 this section, "purchase" means the transfer of money or other  
25 valuable consideration to the retailer, and "handgun" means a  
26 firearm capable of being carried and used by one hand, such as  
27 a pistol or revolver. Holders of a concealed weapon permit as  
28 prescribed in Florida law shall not be subject to the  
29 provisions of this subsection ~~paragraph~~.

30 (c) The legislature shall enact legislation  
31 implementing subsection (b) ~~of this section, effective no~~

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1 ~~later than December 31, 1991~~, which shall provide that anyone  
2 violating the provisions of subsection (b) commits ~~shall be~~  
3 ~~guilty of a felony.~~

4 (d) This restriction shall not apply to a trade in of  
5 another handgun.

6 SECTION 9. Due process.--No person shall be deprived  
7 of life, liberty, or property without due process of law, or  
8 be twice put in jeopardy for the same offense, or be compelled  
9 in any criminal matter to be a witness against oneself.

10 SECTION 10. Prohibited laws.--No bill of attainder, ex  
11 post facto law, or law impairing the obligation of contracts  
12 shall be passed.

13 SECTION 11. Imprisonment for debt.--No person shall be  
14 imprisoned for debt, except in cases of fraud.

15 SECTION 12. Searches and seizures.--The right of the  
16 people to be secure in their persons, houses, papers, and  
17 effects against unreasonable searches and seizures, and  
18 against the unreasonable interception of private  
19 communications by any means, shall not be violated. No warrant  
20 shall be issued except upon probable cause, supported by  
21 affidavit, particularly describing the place or places to be  
22 searched, the person or persons ~~or~~ thing or things to be  
23 seized, the communication to be intercepted, and the nature of  
24 evidence to be obtained. This right shall be construed in  
25 conformity with the Fourth ~~4th~~ Amendment to the United States  
26 Constitution, as interpreted by the United States Supreme  
27 Court. Articles or information obtained in violation of this  
28 right shall not be admissible in evidence if such articles or  
29 information would be inadmissible under decisions of the  
30 United States Supreme Court construing the Fourth ~~4th~~  
31 Amendment to the United States Constitution.

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1           SECTION 13. Habeas corpus.--The writ of habeas corpus  
 2 shall be grantable of right, freely and without cost. It shall  
 3 be returnable without delay, and shall never be suspended  
 4 unless, in case of rebellion or invasion, suspension is  
 5 essential to the public safety.

6           SECTION 14. Pretrial release and detention.--Unless  
 7 charged with a capital offense or an offense punishable by  
 8 life imprisonment and the proof of guilt is evident or the  
 9 presumption is great, every person charged with a crime or  
 10 violation of municipal or county ordinance shall be entitled  
 11 to pretrial release on reasonable conditions. If no conditions  
 12 of release can reasonably protect the community from risk of  
 13 physical harm to persons, ensure ~~assure~~ the presence of the  
 14 accused at trial, or ensure ~~assure~~ the integrity of the  
 15 judicial process, the accused may be detained.

16           SECTION 15. Prosecution for crime; offenses committed  
 17 by children.--

18           (a) No person shall be tried for capital crime without  
 19 presentment or indictment by a grand jury, or for other felony  
 20 without such presentment or indictment or an information under  
 21 oath filed by the prosecuting officer of the court, except  
 22 persons on active duty in the militia when tried by  
 23 courts-martial ~~courts-martial~~.

24           (b) When authorized by law, a child as therein defined  
 25 may be charged with a violation of law as an act of  
 26 delinquency instead of crime and tried without a jury or other  
 27 requirements applicable to criminal cases. Any child so  
 28 charged shall, upon demand made as provided by law before a  
 29 trial in a juvenile proceeding, be tried in an appropriate  
 30 court as an adult. A child found delinquent shall be  
 31 disciplined as provided by law.

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1 SECTION 16. Rights of accused and of victims.--

2 (a) In all criminal prosecutions the accused shall,  
 3 upon demand, be informed of the nature and cause of the  
 4 accusation, and shall be furnished a copy of the charges. The  
 5 accused, ~~and~~ shall have the right to have compulsory process  
 6 for witnesses; ~~to~~ to confront at trial adverse witnesses; ~~to~~ to be  
 7 heard in person, by counsel, or both; ~~and~~ and to have a speedy  
 8 and public trial by impartial jury in the county where the  
 9 crime was committed. If the county is not known, the  
 10 indictment or information may charge venue in two or more  
 11 counties conjunctively and proof that the crime was committed  
 12 in that area shall be sufficient; but before pleading the  
 13 accused may elect in which of those counties the trial will  
 14 take place. Venue for prosecution of crimes committed beyond  
 15 the boundaries of the state shall be fixed by law.

16 (b) Victims of crime or their lawful representatives,  
 17 including the next of kin of homicide victims, are entitled to  
 18 the right to be informed, to be present, and to be heard when  
 19 relevant, at all crucial stages of criminal proceedings, to  
 20 the extent that these rights do not interfere with the  
 21 constitutional rights of the accused.

22 SECTION 17. Excessive punishments.--Excessive fines,  
 23 cruel and unusual punishment, attainder, forfeiture of estate,  
 24 indefinite imprisonment, and unreasonable detention of  
 25 witnesses are forbidden. The death penalty is an authorized  
 26 punishment for capital crimes designated by the legislature.  
 27 The prohibition against cruel or unusual punishment, and the  
 28 prohibition against cruel and unusual punishment, shall be  
 29 construed in conformity with decisions of the United States  
 30 Supreme Court that ~~which~~ interpret the prohibition against  
 31 cruel and unusual punishment provided in the Eighth Amendment

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1 to the United States Constitution. Any method of execution  
 2 shall be allowed, unless prohibited by the United States  
 3 Constitution. Methods of execution may be designated by the  
 4 legislature, and a change in any method of execution may be  
 5 applied retroactively. A sentence of death shall not be  
 6 reduced on the basis that a method of execution is invalid. In  
 7 any case in which an execution method is declared invalid, the  
 8 death sentence shall remain in force until the sentence can be  
 9 lawfully executed by any valid method. This section shall  
 10 apply retroactively.

11           SECTION 18. Administrative penalties.--No  
 12 administrative agency, except the Department of Military  
 13 Affairs in an appropriately convened court-martial action as  
 14 provided by law, shall impose a sentence of imprisonment, nor  
 15 shall it impose any other penalty except as provided by law.

16           SECTION 19. Costs.--No person charged with crime shall  
 17 be compelled to pay costs before a judgment of conviction has  
 18 become final.

19           SECTION 20. Treason.--Treason against the state shall  
 20 consist only in levying war against it, adhering to its  
 21 enemies, or giving them aid and comfort, and no person shall  
 22 be convicted of treason except on the testimony of two  
 23 witnesses to the same overt act or on confession in open  
 24 court.

25           SECTION 21. Access to courts.--The courts shall be  
 26 open to every person for redress of any injury, and justice  
 27 shall be administered without sale, denial, or delay.

28           SECTION 22. Trial by jury.--The right of trial by jury  
 29 shall be secure to all and remain inviolate. The  
 30 qualifications and the number of jurors, not fewer than six,  
 31 shall be fixed by law.

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1           SECTION 23. Right of privacy.--Every natural person  
 2 has the right to be let alone and free from governmental  
 3 intrusion into the person's private life except as otherwise  
 4 provided herein. This section shall not be construed to limit  
 5 the public's right of access to public records and meetings as  
 6 provided by law.

7           SECTION 24. Access to public records and meetings.--

8           (a) Every person has the right to inspect or copy any  
 9 public record made or received in connection with the official  
 10 business of any public body, officer, or employee of the  
 11 state, or persons acting on their behalf, except with respect  
 12 to records exempted pursuant to this section or specifically  
 13 made confidential by this constitution. This section  
 14 specifically includes the legislative, executive, and judicial  
 15 branches of government and each agency or department created  
 16 thereunder; counties, municipalities, and districts; and each  
 17 constitutional officer, board, and commission, or entity  
 18 created pursuant to law or this constitution.

19           (b) All meetings of any collegial public body of the  
 20 executive branch of state government or of any collegial  
 21 public body of a county, municipality, school district, or  
 22 special district, at which official acts are to be taken or at  
 23 which public business of such body is to be transacted or  
 24 discussed, shall be open and noticed to the public and  
 25 meetings of the legislature shall be open and noticed as  
 26 provided in Article III, section 4(e), except with respect to  
 27 meetings exempted pursuant to this section or specifically  
 28 closed by this constitution.

29           (c) This section shall be self-executing. The  
 30 legislature, however, may provide by general law passed by a  
 31 two-thirds vote of each house for the exemption of records



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1 from the requirements of subsection (a) and the exemption of  
 2 meetings from the requirements of subsection (b), provided  
 3 that such law shall state with specificity the public  
 4 necessity justifying the exemption and shall be no broader  
 5 than necessary to accomplish the stated purpose of the law.  
 6 The legislature shall enact laws governing the enforcement of  
 7 this section, including the maintenance, control, destruction,  
 8 disposal, and disposition of records made public by this  
 9 section, except that each house of the legislature may adopt  
 10 rules governing the enforcement of this section in relation to  
 11 records of the legislative branch. Laws enacted pursuant to  
 12 this subsection shall contain only exemptions from the  
 13 requirements of subsection ~~subsections~~ (a) or subsection (b)  
 14 and provisions governing the enforcement of this section, and  
 15 shall relate to one subject.

16 (d) All laws that are in effect on July 1, 1993 that  
 17 limit public access to records or meetings shall remain in  
 18 force, and such laws apply to records of the legislative and  
 19 judicial branches, until they are repealed. Rules of court  
 20 that are in effect on the date of adoption of this section  
 21 that limit access to records shall remain in effect until they  
 22 are repealed.

23 SECTION 25. Taxpayers' Bill of Rights.--By general law  
 24 the legislature shall prescribe and adopt a Taxpayers' Bill of  
 25 Rights that, in clear and concise language, sets forth  
 26 taxpayers' rights and responsibilities and government's  
 27 responsibilities to deal fairly with taxpayers under the laws  
 28 of this state. ~~This section shall be effective July 1, 1993.~~

29 SECTION 26. Claimant's right to fair compensation.--

30 (a) Article I, Section 26 is created to read  
 31 "Claimant's right to fair compensation." In any medical

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1 liability claim involving a contingency fee, the claimant is  
 2 entitled to receive no less than 70% of the first \$250,000.00  
 3 in all damages received by the claimant, exclusive of  
 4 reasonable and customary costs, whether received by judgment,  
 5 settlement, or otherwise, and regardless of the number of  
 6 defendants. The claimant is entitled to 90% of all damages in  
 7 excess of \$250,000.00, exclusive of reasonable and customary  
 8 costs and regardless of the number of defendants. This  
 9 provision is self-executing and does not require implementing  
 10 legislation.

11 (b) This Amendment shall take effect on the day  
 12 following approval by the voters.

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ARTICLE II

15

GENERAL PROVISIONS

16

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SECTION 1. State boundaries.--

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(a) The state boundaries are: Begin at the mouth of  
 the Perdido River, which for the purposes of this description  
 is defined as the point where latitude 30°16'53" north and  
 longitude 87°31'06" west intersect; thence to the point where  
 latitude 30°17'02" north and longitude 87°31'06" west  
 intersect; thence to the point where latitude 30°18'00" north  
 and longitude 87°27'08" west intersect; thence to the point  
 where the center line of the Intracoastal Canal (as the same  
 existed on June 12, 1953) and longitude 87°27'00" west  
 intersect; the same being in the middle of the Perdido River;  
 thence up the middle of the Perdido River to the point where  
 it intersects the south boundary of the State of Alabama,  
 being also the point of intersection of the middle of the  
 Perdido River with latitude 31°00'00" north; thence east,

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1 along the south boundary line of the State of Alabama, the  
2 same being latitude 31'00'00" north to the middle of the  
3 Chattahoochee River; thence down the middle of said river to  
4 its confluence with the Flint River; thence in a straight line  
5 to the head of the St. Marys River; thence down the middle of  
6 said river to the Atlantic Ocean; thence due east to the edge  
7 of the Gulf Stream or a distance of three geographic miles  
8 whichever is the greater distance; thence in a southerly  
9 direction along the edge of the Gulf Stream or along a line  
10 three geographic miles from the Atlantic coastline and three  
11 leagues distant from the Gulf of Mexico coastline, whichever  
12 is greater, to and through the Straits of Florida and  
13 westerly, including the Florida reefs, to a point due south of  
14 and three leagues from the southernmost point of the Marquesas  
15 Keys; thence westerly along a straight line to a point due  
16 south of and three leagues from Loggerhead Key, the  
17 westernmost of the Dry Tortugas Islands; thence westerly,  
18 northerly and easterly along the arc of a curve three leagues  
19 distant from Loggerhead Key to a point due north of Loggerhead  
20 Key; thence northeast along a straight line to a point three  
21 leagues from the coastline of Florida; thence northerly and  
22 westerly three leagues distant from the coastline to a point  
23 west of the mouth of the Perdido River three leagues from the  
24 coastline as measured on a line bearing south 0'01'00" west  
25 from the point of beginning; thence northerly along said line  
26 to the point of beginning. The State of Florida shall also  
27 include any additional territory within the United States  
28 adjacent to the Peninsula of Florida lying south of the St.  
29 Marys River, east of the Perdido River, and south of the  
30 States of Alabama and Georgia.

31 (b) The coastal boundaries may be extended by statute

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1 to the limits permitted by the laws of the United States or  
2 international law.

3 SECTION 2. Seat of government.--The seat of government  
4 shall be the City of Tallahassee, in Leon County, where the  
5 offices of the governor, lieutenant governor, cabinet members,  
6 and the supreme court shall be maintained and the sessions of  
7 the legislature shall be held; provided that, in time of  
8 invasion or grave emergency, the governor by proclamation may  
9 for the period of the emergency transfer the seat of  
10 government to another place.

11 SECTION 3. Branches of government.--The powers of the  
12 state government shall be divided into legislative, executive,  
13 and judicial branches. No person belonging to one branch shall  
14 exercise any powers appertaining to either of the other  
15 branches unless expressly provided herein.

16 SECTION 4. State seal and flag.--The design of the  
17 great seal and flag of the state shall be prescribed by law.

18 SECTION 5. Public officers.--

19 (a) No person holding any office of emolument under  
20 any foreign government, or civil office of emolument under the  
21 United States or any other state, shall hold any office of  
22 honor or of emolument under the government of this state. No  
23 person shall hold at the same time more than one office under  
24 the government of the state and the counties and  
25 municipalities therein, except that a notary public or  
26 military officer may hold another office, and any officer may  
27 be a member of a constitution revision commission, taxation  
28 and budget reform commission, constitutional convention, or  
29 statutory body having only advisory powers.

30 (b) Each state and county officer, before entering  
31 upon the duties of the office, shall give bond as required by

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1 law, and shall swear or affirm:

2 "I do solemnly swear (or affirm) that I will support,  
3 protect, and defend the Constitution and Government of the  
4 United States and of the State of Florida; that I am duly  
5 qualified to hold office under the constitution of the state;  
6 and that I will well and faithfully perform the duties of  
7 (title of office) on which I am now about to enter. So help  
8 me God.",

9  
10 and thereafter shall devote personal attention to the duties  
11 of the office, and continue in office until a successor  
12 qualifies.

13 (c) The powers, duties, compensation, and method of  
14 payment of state and county officers shall be fixed by law.

15 SECTION 6. Enemy attack.--In periods of emergency  
16 resulting from enemy attack, the legislature shall have power  
17 to provide for prompt and temporary succession to the powers  
18 and duties of all public offices the incumbents of which may  
19 become unavailable to execute the functions of their offices,  
20 and to adopt such other measures as may be necessary and  
21 appropriate to ensure ~~insure~~ the continuity of governmental  
22 operations during the emergency. In exercising these powers,  
23 the legislature may depart from other requirements of this  
24 constitution, but only to the extent necessary to meet the  
25 emergency.

26 SECTION 7. Natural resources and scenic beauty.--

27 (a) It shall be the policy of the state to conserve  
28 and protect its natural resources and scenic beauty. Adequate  
29 provision shall be made by law for the abatement of air and  
30 water pollution and of excessive and unnecessary noise and for  
31 the conservation and protection of natural resources.

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1           (b) Those in the Everglades Agricultural Area who  
2 cause water pollution within the Everglades Protection Area or  
3 the Everglades Agricultural Area shall be primarily  
4 responsible for paying the costs of the abatement of that  
5 pollution. For the purposes of this subsection, the terms  
6 "Everglades Protection Area" and "Everglades Agricultural  
7 Area" shall have the meanings as defined in statutes in effect  
8 on January 1, 1996.

9           SECTION 8. Ethics in government.--A public office is a  
10 public trust. The people shall have the right to secure and  
11 sustain that trust against abuse. To ensure ~~assure~~ this right:

12           (a) All elected constitutional officers and candidates  
13 for such offices and, as may be determined by law, other  
14 public officers, candidates, and employees shall file full and  
15 public disclosure of their financial interests.

16           (b) All elected public officers and candidates for  
17 such offices shall file full and public disclosure of their  
18 campaign finances.

19           (c) Any public officer or employee who breaches the  
20 public trust for private gain and any person or entity  
21 inducing such breach shall be liable to the state for all  
22 financial benefits obtained by such actions. The manner of  
23 recovery and additional damages may be provided by law.

24           (d) Any public officer or employee who is convicted of  
25 a felony involving a breach of public trust shall be subject  
26 to forfeiture of rights and privileges under a public  
27 retirement system or pension plan in such manner as may be  
28 provided by law.

29           (e) No member of the legislature or statewide elected  
30 officer shall personally represent another person or entity  
31 for compensation before the government body or agency of which

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1 the individual was an officer or member for a period of two  
 2 years following vacation of office. No member of the  
 3 legislature shall personally represent another person or  
 4 entity for compensation during his or her term of office  
 5 before any state agency other than judicial tribunals. Similar  
 6 restrictions on other public officers and employees may be  
 7 established by law.

8 (f) There shall be an independent commission to  
 9 conduct investigations and make public reports on all  
 10 complaints concerning breach of public trust by public  
 11 officers or employees not within the jurisdiction of the  
 12 judicial qualifications commission.

13 (g) A code of ethics for all state employees and  
 14 nonjudicial officers prohibiting conflict between public duty  
 15 and private interests shall be prescribed by law.

16 (h) This section shall not be construed to limit  
 17 disclosures and prohibitions that ~~which~~ may be established by  
 18 law to preserve the public trust and avoid conflicts between  
 19 public duties and private interests.

20 (i) Schedule--~~On the effective date of this amendment~~  
 21 ~~and~~ Until changed by law:

22 (1) Full and public disclosure of financial interests  
 23 shall mean filing with the custodian of state records by July  
 24 1 of each year a sworn statement showing net worth and  
 25 identifying each asset and liability in excess of one thousand  
 26 dollars ~~\$1,000~~ and its value together with one of the  
 27 following:

28 a. A copy of the person's most recent federal income  
 29 tax return; or

30 b. A sworn statement that ~~which~~ identifies each  
 31 separate source and amount of income that ~~which~~ exceeds one

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1 thousand dollars ~~\$1,000~~. The forms for such source disclosure  
 2 and the rules under which they are to be filed shall be  
 3 prescribed by the independent commission established in  
 4 subsection (f), and such rules shall include disclosure of  
 5 secondary sources of income.

6 (2) Persons holding statewide elective offices shall  
 7 also file disclosure of their financial interests pursuant to  
 8 paragraph ~~subsection~~ (i)(1).

9 (3) The independent commission provided for in  
 10 subsection (f) shall mean the Florida Commission on Ethics.

11 SECTION 9. English is the official language of  
 12 Florida.--

13 (a) English is the official language of the State of  
 14 Florida.

15 (b) The legislature shall have the power to enforce  
 16 this section by appropriate legislation.

17  
 18 ARTICLE III

19 LEGISLATURE

20  
 21 SECTION 1. Composition.--The legislative power of the  
 22 state shall be vested in a legislature of the State of  
 23 Florida, consisting of a senate composed of one senator  
 24 elected from each senatorial district and a house of  
 25 representatives composed of one member elected from each  
 26 representative district.

27 SECTION 2. Members; officers.--Each house shall be the  
 28 sole judge of the qualifications, elections, and returns of  
 29 its members, and shall biennially choose its officers,  
 30 including a permanent presiding officer selected from its  
 31 membership, who shall be designated in the senate as President



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1 of the Senate, and in the house as Speaker of the House of  
 2 Representatives. The senate shall designate a Secretary to  
 3 serve at its pleasure, and the house of representatives shall  
 4 designate a Clerk to serve at its pleasure. The legislature  
 5 shall appoint an auditor to serve at its pleasure who shall  
 6 audit public records and perform related duties as prescribed  
 7 by law or concurrent resolution.

8 SECTION 3. Sessions of the legislature.--

9 (a) ORGANIZATION SESSIONS.--On the fourteenth day  
 10 following each general election the legislature shall convene  
 11 for the exclusive purpose of organization and selection of  
 12 officers.

13 (b) REGULAR SESSIONS.--A regular session of the  
 14 legislature shall convene on the first Tuesday after the first  
 15 Monday in March of each odd-numbered year, and on the first  
 16 Tuesday after the first Monday in March, or such other date as  
 17 may be fixed by law, of each even-numbered year.

18 (c) SPECIAL SESSIONS.--

19 (1) The governor, by proclamation stating the purpose,  
 20 may convene the legislature in special session during which  
 21 only such legislative business may be transacted as is within  
 22 the purview of the proclamation, or of a communication from  
 23 the governor, or is introduced by consent of two-thirds of the  
 24 membership of each house.

25 (2) A special session of the legislature may be  
 26 convened as provided by law.

27 (d) LENGTH OF SESSIONS.--A regular session of the  
 28 legislature shall not exceed sixty consecutive days, and a  
 29 special session shall not exceed twenty consecutive days,  
 30 unless extended beyond such limit by a three-fifths vote of  
 31 each house. During such an extension no new business may be

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1 taken up in either house without the consent of two-thirds of  
2 its membership.

3 (e) ADJOURNMENT.--Neither house shall adjourn for more  
4 than seventy-two consecutive hours except pursuant to  
5 concurrent resolution.

6 (f) ADJOURNMENT BY GOVERNOR.--If, during any regular  
7 or special session, the two houses cannot agree upon a time  
8 for adjournment, the governor may adjourn the session sine die  
9 or to any date within the period authorized for such session;  
10 provided that, at least twenty-four hours before adjourning  
11 the session, and while neither house is in recess, each house  
12 shall be given formal written notice of the governor's  
13 intention to do so, and agreement reached within that period  
14 by both houses on a time for adjournment shall prevail.

15 SECTION 4. Quorum and procedure.--

16 (a) A majority of the membership of each house shall  
17 constitute a quorum, but a smaller number may adjourn from day  
18 to day and compel the presence of absent members in such  
19 manner and under such penalties as it may prescribe. Each  
20 house shall determine its rules of procedure.

21 (b) Sessions of each house shall be public, ~~and~~ except  
22 that sessions of the senate when considering appointment to or  
23 removal from public office may be closed.

24 (c) Each house shall keep and publish a journal of its  
25 proceedings~~and~~ and, upon the request of five members present,  
26 the vote of each member voting on any question shall be  
27 entered on the journal. In any legislative committee or  
28 subcommittee, the vote of each member voting on the final  
29 passage of any legislation pending before the committee, and  
30 upon the request of any two members of the committee or  
31 subcommittee, the vote of each member on any other question,

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1 shall be recorded.

2 (d) Each house may punish a member for contempt or  
3 disorderly conduct and, by a two-thirds vote of its  
4 membership, may expel a member.

5 (e) The rules of procedure of each house shall provide  
6 that all legislative committee and subcommittee meetings of  
7 each house, and joint conference committee meetings, shall be  
8 open and noticed to the public. The rules of procedure of each  
9 house shall further provide that all prearranged gatherings,  
10 between more than two members of the legislature, or between  
11 the governor, the president of the senate, or the speaker of  
12 the house of representatives, the purpose of which is to agree  
13 upon formal legislative action that will be taken at a  
14 subsequent time, or at which formal legislative action is  
15 taken, regarding pending legislation or amendments, shall be  
16 reasonably open to the public. All open meetings shall be  
17 subject to order and decorum. This section shall be  
18 implemented and defined by the rules of each house, and such  
19 rules shall control admission to the floor of each legislative  
20 chamber and may, where reasonably necessary for security  
21 purposes or to protect a witness appearing before a committee,  
22 provide for the closure of committee meetings. Each house  
23 shall be the sole judge for the interpretation,  
24 implementation, and enforcement of this section.

25 SECTION 5. Investigations; witnesses.--Each house,  
26 when in session, may compel attendance of witnesses and  
27 production of documents and other evidence upon any matter  
28 under investigation before it or any of its committees, and  
29 may punish by fine not exceeding one thousand dollars or  
30 imprisonment not exceeding ninety days, or both, any person  
31 not a member who has been guilty of disorderly or contemptuous

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1 | conduct in its presence or has refused to obey its lawful  
 2 | summons or to answer lawful questions. Such powers, except the  
 3 | power to punish, may be conferred by law upon committees when  
 4 | the legislature is not in session. Punishment of contempt of  
 5 | an interim legislative committee shall be by judicial  
 6 | proceedings as prescribed by law.

7 |         SECTION 6. Laws.--Every law shall embrace but one  
 8 | subject and matter properly connected therewith, and the  
 9 | subject shall be briefly expressed in the title. No law shall  
 10 | be revised or amended by reference to its title only. Laws to  
 11 | revise or amend shall set out in full the revised or amended  
 12 | act, section, subsection, or paragraph of a subsection. The  
 13 | enacting clause of every law shall read: "Be It Enacted by  
 14 | the Legislature of the State of Florida: "

15 |         SECTION 7. Passage of bills.--Any bill may originate  
 16 | in either house and after passage in one may be amended in the  
 17 | other. It shall be read in each house on three separate days,  
 18 | unless this rule is waived by two-thirds vote; provided the  
 19 | publication of its title in the journal of a house shall  
 20 | satisfy the requirement for the first reading in that house.  
 21 | On each reading, it shall be read by title only, unless  
 22 | one-third of the members present desire it read in full. On  
 23 | final passage, the vote of each member voting shall be entered  
 24 | on the journal. Passage of a bill shall require a majority  
 25 | vote in each house. Each bill and joint resolution passed in  
 26 | both houses shall be signed by the presiding officers of the  
 27 | respective houses and by the secretary of the senate and the  
 28 | clerk of the house of representatives during the session or as  
 29 | soon as practicable after its adjournment sine die.

30 |         SECTION 8. Executive approval and veto.--

31 |         (a) Every bill passed by the legislature shall be

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1 presented to the governor for approval and shall become a law  
2 if the governor approves and signs it, or fails to veto it  
3 within seven consecutive days after presentation. If during  
4 that period or on the seventh day the legislature adjourns  
5 sine die or takes a recess of more than thirty days, the  
6 governor shall have fifteen consecutive days from the date of  
7 presentation to act on the bill. In all cases except general  
8 appropriation bills, the veto shall extend to the entire bill.  
9 The governor may veto any specific appropriation in a general  
10 appropriation bill, but may not veto any qualification or  
11 restriction without also vetoing the appropriation to which it  
12 relates.

13 (b) When a bill or any specific appropriation of a  
14 general appropriation bill has been vetoed, the governor shall  
15 transmit signed objections thereto to the house in which the  
16 bill originated if in session. If that house is not in  
17 session, the governor shall file them with the custodian of  
18 state records, who shall lay them before that house at its  
19 next regular or special session, whichever occurs first, and  
20 they shall be entered on its journal. If the originating house  
21 votes to reenact ~~re-enact~~ a vetoed measure, whether in a  
22 regular or special session, and the other house does not  
23 consider or fails to reenact ~~re-enact~~ the vetoed measure, no  
24 further consideration by either house at any subsequent  
25 session may be taken. If a vetoed measure is presented at a  
26 special session and the originating house does not consider  
27 it, the measure will be available for consideration at any  
28 intervening special session and until the end of the next  
29 regular session.

30 (c) If each house shall, by a two-thirds vote, reenact  
31 ~~re-enact~~ the bill or reinstate the vetoed specific

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1 appropriation of a general appropriation bill, the vote of  
 2 each member voting shall be entered on the respective  
 3 journals, and the bill shall become law or the specific  
 4 appropriation reinstated, the veto notwithstanding.

5 SECTION 9. Effective date of laws.--Each law shall  
 6 take effect on the sixtieth day after adjournment sine die of  
 7 the session of the legislature in which enacted or as  
 8 otherwise provided therein. If the law is passed over the veto  
 9 of the governor, it shall take effect on the sixtieth day  
 10 after adjournment sine die of the session in which the veto is  
 11 overridden, on a later date fixed in the law, or on a date  
 12 fixed by resolution passed by both houses of the legislature.

13 SECTION 10. Special laws.--No special law shall be  
 14 passed unless notice of intention to seek enactment thereof  
 15 has been published in the manner provided by general law. Such  
 16 notice shall not be necessary when the law, except the  
 17 provision for referendum, is conditioned to become effective  
 18 only upon approval by vote of the electors of the area  
 19 affected.

20 SECTION 11. Prohibited special laws.--

21 (a) There shall be no special law or general law of  
 22 local application pertaining to the following:

23 (1) Election, jurisdiction, or duties of officers,  
 24 except officers of municipalities, chartered counties, special  
 25 districts, or local governmental agencies.

26 (2) Assessment or collection of taxes for state or  
 27 county purposes, including extension of time therefor, relief  
 28 of tax officers from due performance of their duties, and  
 29 relief of their sureties from liability.

30 (3) Rules of evidence in any court.

31 (4) Punishment for crime.

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- 1 (5) Petit juries, including compensation of jurors,
- 2 except establishment of jury commissions.†
- 3 (6) Change of civil or criminal venue.†
- 4 (7) Conditions precedent to bringing any civil or
- 5 criminal proceedings, or limitations of time therefor.†
- 6 (8) Refund of money legally paid or remission of
- 7 fines, penalties, or forfeitures.†
- 8 (9) Creation, enforcement, extension, or impairment of
- 9 liens based on private contracts, or fixing of interest rates
- 10 on private contracts.†
- 11 (10) Disposal of public property, including any
- 12 interest therein, for private purposes.†
- 13 (11) Vacation of roads.†
- 14 (12) Private incorporation or grant of privilege to a
- 15 private corporation.†
- 16 (13) Effectuation of invalid deeds, wills, or other
- 17 instruments, or change in the law of descent.†
- 18 (14) Change of name of any person.†
- 19 (15) Divorce.†
- 20 (16) Legitimation or adoption of persons.†
- 21 (17) Relief of minors from legal disabilities.†
- 22 (18) Transfer of any property interest of persons
- 23 under legal disabilities or of estates of decedents.†
- 24 (19) Hunting or freshwater ~~fresh water~~ fishing.†
- 25 (20) Regulation of occupations which are regulated by
- 26 a state agency.† ~~or~~
- 27 (21) Any subject when prohibited by general law passed
- 28 by a three-fifths vote of the membership of each house. Such
- 29 law may be amended or repealed by like vote.
- 30 (b) In the enactment of general laws on other
- 31 subjects, political subdivisions or other governmental

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1 entities may be classified only on a basis reasonably related  
2 to the subject of the law.

3 SECTION 12. Appropriation bills.--Laws making  
4 appropriations for salaries of public officers and other  
5 current expenses of the state shall contain provisions on no  
6 other subject.

7 SECTION 13. Term of office.--No office shall be  
8 created the term of which shall exceed four years except as  
9 provided herein.

10 SECTION 14. Civil service system.--By law there shall  
11 be created a civil service system for state employees, except  
12 those expressly exempted, and there may be created civil  
13 service systems and boards for county, district, or municipal  
14 employees and for such offices thereof as are not elected or  
15 appointed by the governor, and there may be authorized such  
16 boards as are necessary to prescribe the qualifications,  
17 method of selection, and tenure of such employees and  
18 officers.

19 SECTION 15. Terms and qualifications of legislators.--

20 (a) SENATORS.--Senators shall be elected for terms of  
21 four years, those from odd-numbered districts in the years the  
22 numbers of which are multiples of four and those from  
23 even-numbered districts in even-numbered years the numbers of  
24 which are not multiples of four; except, at the election next  
25 following a reapportionment, some senators shall be elected  
26 for terms of two years when necessary to maintain staggered  
27 terms.

28 (b) REPRESENTATIVES.--Members of the house of  
29 representatives shall be elected for terms of two years in  
30 each even-numbered year.

31 (c) QUALIFICATIONS.--Each legislator shall be at least



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1 twenty-one years of age, shall be an elector and resident of  
2 the district from which elected, and shall have resided in the  
3 state for a period of two years prior to election.

4 (d) ASSUMING OFFICE; VACANCIES.--Members of the  
5 legislature shall take office upon election. A vacancy  
6 ~~Vacancies~~ in a legislative office shall be filled only by  
7 election as provided by law.

8 SECTION 16. Legislative apportionment.--

9 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS.--The  
10 legislature at its regular session in the second year  
11 following each decennial census, by joint resolution, shall  
12 apportion the state in accordance with the Constitution of the  
13 State of Florida and of the United States into not fewer ~~less~~  
14 than thirty nor more than forty consecutively numbered  
15 senatorial districts of either contiguous, overlapping, or  
16 identical territory, and into not less than eighty nor more  
17 than one hundred twenty consecutively numbered representative  
18 districts of either contiguous, overlapping, or identical  
19 territory. Should that session adjourn without adopting such  
20 joint resolution, the governor by proclamation shall reconvene  
21 the legislature within thirty days in special apportionment  
22 session which shall not exceed thirty consecutive days, during  
23 which no other business shall be transacted, and it shall be  
24 the mandatory duty of the legislature to adopt a joint  
25 resolution of apportionment.

26 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL  
27 REAPPORTIONMENT.--In the event a special apportionment session  
28 of the legislature finally adjourns without adopting a joint  
29 resolution of apportionment, the attorney general shall,  
30 within five days, petition the supreme court of the state to  
31 make such apportionment. No later than the sixtieth day after

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1 the filing of such petition, the supreme court shall file with  
 2 the custodian of state records an order making such  
 3 apportionment.

4 (c) JUDICIAL REVIEW OF APPORTIONMENT.--Within fifteen  
 5 days after the passage of the joint resolution of  
 6 apportionment, the attorney general shall petition the supreme  
 7 court of the state for a declaratory judgment determining the  
 8 validity of the apportionment. The supreme court, in  
 9 accordance with its rules, shall permit adversary interests to  
 10 present their views and, within thirty days from the filing of  
 11 the petition, shall enter its judgment.

12 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY  
 13 APPORTIONMENT SESSION.--A judgment of the supreme court of the  
 14 state determining the apportionment to be valid shall be  
 15 binding upon all the citizens of the state. Should the supreme  
 16 court determine that the apportionment made by the legislature  
 17 is invalid, the governor by proclamation shall reconvene the  
 18 legislature within five days thereafter in an extraordinary  
 19 apportionment session that ~~which~~ shall not exceed fifteen  
 20 days, during which the legislature shall adopt a joint  
 21 resolution of apportionment conforming to the judgment of the  
 22 supreme court.

23 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF  
 24 APPORTIONMENT.--Within fifteen days after the adjournment of  
 25 an extraordinary apportionment session, the attorney general  
 26 shall file a petition in the supreme court of the state  
 27 setting forth the apportionment resolution adopted by the  
 28 legislature, or, if none has been adopted, reporting that fact  
 29 to the court. Consideration of the validity of a joint  
 30 resolution of apportionment shall be had as provided for in  
 31 cases of such joint resolution adopted at a regular or special

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1 apportionment session.

2 (f) JUDICIAL REAPPORTIONMENT.--Should an extraordinary  
3 apportionment session fail to adopt a resolution of  
4 apportionment or should the supreme court determine that the  
5 apportionment made is invalid, the court shall, not later than  
6 sixty days after receiving the petition of the attorney  
7 general, file with the custodian of state records an order  
8 making such apportionment.

9 SECTION 17. Impeachment.--

10 (a) The governor, lieutenant governor, members of the  
11 cabinet, justices of the supreme court, judges of district  
12 courts of appeal, judges of circuit courts, and judges of  
13 county courts shall be liable to impeachment for misdemeanor  
14 in office. The house of representatives by two-thirds vote  
15 shall have the power to impeach an officer. The speaker of the  
16 house of representatives shall have power at any time to  
17 appoint a committee to investigate charges against any officer  
18 subject to impeachment.

19 (b) An officer impeached by the house of  
20 representatives shall be disqualified from performing any  
21 official duties until acquitted by the senate, and, unless  
22 impeached, the governor may by appointment fill the office  
23 until completion of the trial.

24 (c) All impeachments by the house of representatives  
25 shall be tried by the senate. The chief justice of the supreme  
26 court, or another justice designated by the chief justice,  
27 shall preside at the trial, except in a trial of the chief  
28 justice, in which case the governor shall preside. The senate  
29 shall determine the time for the trial of any impeachment and  
30 may sit for the trial whether the house of representatives be  
31 in session or not. The time fixed for trial shall not be more

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1 | than six months after the impeachment. During an impeachment  
 2 | trial senators shall be upon their oath or affirmation. No  
 3 | officer shall be convicted without the concurrence of  
 4 | two-thirds of the members of the senate present. Judgment of  
 5 | conviction in cases of impeachment shall remove the offender  
 6 | from office and, in the discretion of the senate, may include  
 7 | disqualification to hold any office of honor, trust, or  
 8 | profit. Conviction or acquittal shall not affect the civil or  
 9 | criminal responsibility of the officer.

10 |         SECTION 18. Conflict of interest.--A code of ethics  
 11 | for all state employees and nonjudicial officers prohibiting  
 12 | conflict between public duty and private interests shall be  
 13 | prescribed by law.

14 |         SECTION 19. State budgeting, planning, and  
 15 | appropriations processes.--

16 |         (a) ANNUAL BUDGETING.--~~Effective July 1, 1994,~~ General  
 17 | law shall prescribe the adoption of annual state budgetary and  
 18 | planning processes and require that detail reflecting the  
 19 | annualized costs of the state budget and reflecting the  
 20 | nonrecurring costs of the budget requests shall accompany  
 21 | state department and agency legislative budget requests, the  
 22 | governor's recommended budget, and appropriation bills. For  
 23 | purposes of this subsection, the terms "department" and  
 24 | "agency" shall include the judicial branch.

25 |         (b) APPROPRIATION BILLS FORMAT.--Separate sections  
 26 | within the general appropriation bill shall be used for each  
 27 | major program area of the state budget; major program areas  
 28 | shall include: education enhancement "lottery" trust fund  
 29 | items; education (all other funds); human services; criminal  
 30 | justice and corrections; natural resources, environment,  
 31 | growth management, and transportation; general government; and

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1 judicial branch. Each major program area shall include an  
2 itemization of expenditures for: state operations; state  
3 capital outlay; aid to local governments and nonprofit  
4 organizations operations; aid to local governments and  
5 nonprofit organizations capital outlay; federal funds and the  
6 associated state matching funds; spending authorizations for  
7 operations; and spending authorizations for capital outlay.  
8 Additionally, appropriation bills passed by the legislature  
9 shall include an itemization of specific appropriations that  
10 exceed one million dollars ~~(\$1,000,000.00)~~ in 1992 dollars.  
11 For purposes of this subsection, "specific appropriation,"  
12 "itemization," and "major program area" shall be defined by  
13 law. This itemization threshold shall be adjusted by general  
14 law every four years to reflect the rate of inflation or  
15 deflation as indicated in the Consumer Price Index for All  
16 Urban Consumers, U.S. City Average, All Items, or successor  
17 reports as reported by the United States Department of Labor,  
18 Bureau of Labor Statistics or its successor. Substantive bills  
19 containing appropriations shall also be subject to the  
20 itemization requirement mandated under this provision and  
21 shall be subject to the governor's specific appropriation veto  
22 power described in Article III, section 8. ~~This subsection~~  
23 ~~shall be effective July 1, 1994.~~

24 (c) APPROPRIATIONS REVIEW PROCESS. ~~Effective July 1,~~  
25 ~~1993,~~ General law shall prescribe requirements for each  
26 department and agency of state government to submit a planning  
27 document and supporting budget request for review by the  
28 appropriations committees of both houses of the legislature.  
29 The review shall include a comparison of the major issues in  
30 the planning document and budget requests to those major  
31 issues included in the governor's recommended budget. For

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1 purposes of this subsection, the terms "department" and  
 2 "agency" shall include the judicial branch.

3 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD.-- All  
 4 general appropriation bills shall be furnished to each member  
 5 of the legislature, each member of the cabinet, the governor,  
 6 and the chief justice of the supreme court at least  
 7 seventy-two hours before final passage by either house of the  
 8 legislature of the bill in the form that will be presented to  
 9 the governor.

10 (e) FINAL BUDGET REPORT.--~~Effective November 4, 1992,~~  
 11 A final budget report shall be prepared as prescribed by  
 12 general law. The final budget report shall be produced no  
 13 later than the ninetieth ~~90th~~ day after the beginning of the  
 14 fiscal year, and copies of the report shall be furnished to  
 15 each member of the legislature, the head of each department  
 16 and agency of the state, the auditor general, and the chief  
 17 justice of the supreme court.

18 (f) TRUST FUNDS.

19 (1) No trust fund of the State of Florida or other  
 20 public body may be created by law without a three-fifths  
 21 ~~(3/5)~~ vote of the membership of each house of the legislature  
 22 in a separate bill for that purpose only.

23 (2) ~~State trust funds in existence before the~~  
 24 ~~effective date of this subsection shall terminate not more~~  
 25 ~~than four years after the effective date of this subsection.~~  
 26 State trust funds created after November 4, 1992, ~~the~~  
 27 ~~effective date of this subsection~~ shall terminate not more  
 28 than four years after the effective date of the act  
 29 authorizing the creation of the trust fund. By law the  
 30 legislature may set a shorter time period for which any trust  
 31 fund is authorized.

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1           (3) Trust funds required by federal programs or  
2 mandates; trust funds established for bond covenants,  
3 indentures, or resolutions, whose revenues are legally pledged  
4 by the state or public body to meet debt service or other  
5 financial requirements of any debt obligations of the state or  
6 any public body; the state transportation trust fund; the  
7 trust fund containing the net annual proceeds from the Florida  
8 Education Lotteries; the Florida retirement trust fund; trust  
9 funds for institutions under the management of the Board of  
10 Regents, where such trust funds are for auxiliary enterprises  
11 and contracts, grants, and donations, as those terms are  
12 defined by general law; trust funds that serve as clearing  
13 funds or accounts for the chief financial officer or state  
14 agencies; trust funds that account for assets held by the  
15 state in a trustee capacity as an agent or fiduciary for  
16 individuals, private organizations, or other governmental  
17 units; and other trust funds authorized by this constitution,  
18 are not subject to the requirements set forth in paragraph (2)  
19 ~~of this subsection.~~

20           (4) All cash balances and income of any trust funds  
21 abolished under this subsection shall be deposited into the  
22 general revenue fund.

23           ~~(5) The provisions of this subsection shall be~~  
24 ~~effective November 4, 1992.~~

25           (g) BUDGET STABILIZATION FUND. ~~--Beginning with the~~  
26 ~~1994-1995 fiscal year, at least 1% of an amount equal to the~~  
27 ~~last completed fiscal year's net revenue collections for the~~  
28 ~~general revenue fund shall be retained in a budget~~  
29 ~~stabilization fund. The budget stabilization fund shall be~~  
30 ~~increased to at least 2% of said amount for the 1995-1996~~  
31 ~~fiscal year, at least 3% of said amount for the 1996-1997~~

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1 ~~fiscal year, at least 4% of said amount for the 1997-1998~~  
2 ~~fiscal year, and at least 5% of said amount for the 1998-1999~~  
3 ~~fiscal year.~~ Subject to the provisions of this subsection, the  
4 budget stabilization fund shall be maintained at an amount  
5 equal to at least five percent 5% of the last completed fiscal  
6 year's net revenue collections for the general revenue fund.  
7 The budget stabilization fund's principal balance shall not  
8 exceed an amount equal to ten percent 10% of the last  
9 completed fiscal year's net revenue collections for the  
10 general revenue fund. The legislature shall provide criteria  
11 for withdrawing funds from the budget stabilization fund in a  
12 separate bill for that purpose only and only for the purpose  
13 of covering revenue shortfalls of the general revenue fund or  
14 for the purpose of providing funding for an emergency, as  
15 defined by general law. General law shall provide for the  
16 restoration of this fund. The budget stabilization fund shall  
17 be comprised of funds not otherwise obligated or committed for  
18 any purpose.

19 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY  
20 PLANNING DOCUMENT PROCESSES.--The governor shall recommend to  
21 the legislature biennially any revisions to the state planning  
22 document, as defined by law. General law shall require a  
23 biennial review and revision of the state planning document,  
24 shall require the governor to report to the legislature on the  
25 progress in achieving the state planning document's goals, and  
26 shall require all departments and agencies of state government  
27 to develop planning documents consistent with the state  
28 planning document. The state planning document and department  
29 and agency planning documents shall remain subject to review  
30 and revision by the legislature. The department and agency  
31 planning documents shall include a prioritized listing of



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1 | planned expenditures for review and possible reduction in the  
 2 | event of revenue shortfalls, as defined by general law. To  
 3 | ensure productivity and efficiency in the executive,  
 4 | legislative, and judicial branches, a quality management and  
 5 | accountability program shall be implemented by general law.  
 6 | For the purposes of this subsection, the terms "department"  
 7 | and "agency" shall include the judicial branch. ~~This~~  
 8 | ~~subsection shall be effective July 1, 1993.~~

10 | ARTICLE IV

11 | EXECUTIVE

13 | SECTION 1. Governor.--

14 | (a) The supreme executive power shall be vested in a  
 15 | governor, who shall be commander-in-chief of all military  
 16 | forces of the state not in active service of the United  
 17 | States. The governor shall take care that the laws be  
 18 | faithfully executed, commission all officers of the state and  
 19 | counties, and transact all necessary business with the  
 20 | officers of government. The governor may require information  
 21 | in writing from all executive or administrative state, county,  
 22 | or municipal officers upon any subject relating to the duties  
 23 | of their respective offices. The governor shall be the chief  
 24 | administrative officer of the state responsible for the  
 25 | planning and budgeting for the state.

26 | (b) The governor may initiate judicial proceedings in  
 27 | the name of the state against any executive or administrative  
 28 | state, county, or municipal officer to enforce compliance with  
 29 | any duty or restrain any unauthorized act.

30 | (c) The governor may request in writing the opinion of  
 31 | the justices of the supreme court as to the interpretation of

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1 any portion of this constitution upon any question affecting  
 2 the governor's executive powers and duties. The justices  
 3 shall, subject to their rules of procedure, permit interested  
 4 persons to be heard on the questions presented and shall  
 5 render their written opinion not earlier than ten days from  
 6 the filing and docketing of the request, unless in their  
 7 judgment the delay would cause public injury.

8 (d) The governor shall have power to call out the  
 9 militia to preserve the public peace, execute the laws of the  
 10 state, suppress insurrection, or repel invasion.

11 (e) The governor shall by message at least once in  
 12 each regular session inform the legislature concerning the  
 13 condition of the state, propose such reorganization of the  
 14 executive department as will promote efficiency and economy,  
 15 and recommend measures in the public interest.

16 (f) When not otherwise provided for in this  
 17 constitution, the governor shall fill by appointment any  
 18 vacancy in a state or county office for the remainder of the  
 19 term of an appointive office, and for the remainder of the  
 20 term of an elective office if less than twenty-eight months,  
 21 otherwise until the first Tuesday after the first Monday  
 22 following the next general election.

23 SECTION 2. Lieutenant governor.--There shall be a  
 24 lieutenant governor, who shall perform such duties pertaining  
 25 to the office of governor as shall be assigned by the  
 26 governor, except when otherwise provided by law, and such  
 27 other duties as may be prescribed by law.

28 SECTION 3. Succession to office of governor; acting  
 29 governor.--

30 (a) Upon vacancy in the office of governor, the  
 31 lieutenant governor shall become governor. Further succession

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1 to the office of governor shall be prescribed by law. A  
2 successor shall serve for the remainder of the term.

3 (b) Upon impeachment of the governor and until  
4 completion of trial thereof, or during the governor's physical  
5 or mental incapacity, the lieutenant governor shall act as  
6 governor. Further succession as acting governor shall be  
7 prescribed by law. Incapacity to serve as governor may be  
8 determined by the supreme court upon due notice after  
9 docketing of a written suggestion thereof by three cabinet  
10 members, and in such case restoration of capacity shall be  
11 similarly determined after docketing of written suggestion  
12 thereof by the governor, the legislature, or three cabinet  
13 members. Incapacity to serve as governor may also be  
14 established by certificate filed with the custodian of state  
15 records by the governor declaring incapacity for physical  
16 reasons to serve as governor, and in such case restoration of  
17 capacity shall be similarly established.

18 SECTION 4. Cabinet.--

19 (a) There shall be a cabinet composed of an attorney  
20 general, a chief financial officer, and a commissioner of  
21 agriculture. In addition to the powers and duties specified  
22 herein, they shall exercise such powers and perform such  
23 duties as may be prescribed by law. In the event of a tie vote  
24 of the governor and cabinet, the side on which the governor  
25 voted shall be deemed to prevail.

26 (b) The attorney general shall be the chief state  
27 legal officer. There is created in the office of the attorney  
28 general the position of statewide prosecutor. The statewide  
29 prosecutor shall have concurrent jurisdiction with the state  
30 attorneys to prosecute violations of criminal laws occurring  
31 or having occurred, in two or more judicial circuits as part

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1 of a related transaction, or when any such offense is  
 2 affecting or has affected two or more judicial circuits as  
 3 provided by general law. The statewide prosecutor shall be  
 4 appointed by the attorney general from not fewer ~~less~~ than  
 5 three persons nominated by the judicial nominating commission  
 6 for the supreme court, or as otherwise provided by general  
 7 law.

8 (c) The chief financial officer shall serve as the  
 9 chief fiscal officer of the state, ~~and~~ shall settle and  
 10 approve accounts against the state, and shall keep all state  
 11 funds and securities.

12 (d) The commissioner of agriculture shall have  
 13 supervision of matters pertaining to agriculture except as  
 14 otherwise provided by law.

15 (e) The governor as chair, the chief financial  
 16 officer, and the attorney general shall constitute the state  
 17 board of administration, which shall succeed to all the power,  
 18 control, and authority of the state board of administration  
 19 established pursuant to Article IX, section 16 of the  
 20 constitution of 1885, and which shall continue as a body at  
 21 least for the life of Article XII, section 7(c) ~~9(c)~~.

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

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

31 SECTION 5. Election of governor, lieutenant governor,

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1 and cabinet members; qualifications; terms.--

2 (a) At a statewide ~~state-wide~~ general election in each  
3 calendar year the number of which is even but not a multiple  
4 of four, the electors shall choose a governor and a lieutenant  
5 governor and members of the cabinet each for a term of four  
6 years beginning on the first Tuesday after the first Monday in  
7 January of the succeeding year. In primary elections,  
8 candidates for the office of governor may choose to run  
9 without a lieutenant governor candidate. In the general  
10 election, all candidates for the offices of governor and  
11 lieutenant governor shall form joint candidacies in a manner  
12 prescribed by law so that each voter shall cast a single vote  
13 for a candidate for governor and a candidate for lieutenant  
14 governor running together.

15 (b) When elected, the governor, lieutenant governor,  
16 and each cabinet member must be an elector not less than  
17 thirty years of age who has resided in the state for the  
18 preceding seven years. The attorney general must have been a  
19 member of the bar of Florida for the preceding five years. No  
20 person who has, or but for resignation would have, served as  
21 governor or acting governor for more than six years in two  
22 consecutive terms shall be elected governor for the succeeding  
23 term.

24 SECTION 6. Executive departments.--All functions of  
25 the executive branch of state government shall be allotted  
26 among not more than twenty-five departments, exclusive of  
27 those specifically provided for or authorized in this  
28 constitution. The administration of each department, unless  
29 otherwise provided in this constitution, shall be placed by  
30 law under the direct supervision of the governor, the  
31 lieutenant governor, the governor and cabinet, a cabinet

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1 member, or an officer or board appointed by and serving at the  
2 pleasure of the governor, except:

3 (a) When provided by law, confirmation by the senate  
4 or the approval of three members of the cabinet shall be  
5 required for appointment to or removal from any designated  
6 statutory office.

7 (b) Boards authorized to grant and revoke licenses to  
8 engage in regulated occupations shall be assigned to  
9 appropriate departments and their members appointed for fixed  
10 terms, subject to removal only for cause.

11 SECTION 7. Suspensions; filling office during  
12 suspensions.--

13 (a) By executive order stating the grounds and filed  
14 with the custodian of state records, the governor may suspend  
15 from office any state officer not subject to impeachment, any  
16 officer of the militia not in the active service of the United  
17 States, or any county officer, for malfeasance, misfeasance,  
18 neglect of duty, drunkenness, incompetence, permanent  
19 inability to perform official duties, or commission of a  
20 felony, and may fill the office by appointment for the period  
21 of suspension. The suspended officer may at any time before  
22 removal be reinstated by the governor.

23 (b) The senate may, in proceedings prescribed by law,  
24 remove from office or reinstate the suspended official and for  
25 such purpose the senate may be convened in special session by  
26 its president or by a majority of its membership.

27 (c) By order of the governor, l any elected municipal  
28 officer indicted for a crime may be suspended from office  
29 until acquitted and the office filled by appointment for the  
30 period of suspension, not to extend beyond the term, unless  
31 these powers are vested elsewhere by law or the municipal

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1 charter.

2 SECTION 8. Clemency.--

3 (a) Except in cases of treason and in cases where  
4 impeachment results in conviction, the governor may, by  
5 executive order filed with the custodian of state records,  
6 suspend collection of fines and forfeitures, grant reprieves  
7 not exceeding sixty days and, with the approval of two members  
8 of the cabinet, grant full or conditional pardons, restore  
9 civil rights, commute punishment, and remit fines and  
10 forfeitures for offenses.

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

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

22 SECTION 9. Fish and wildlife conservation  
23 commission.--There shall be a fish and wildlife conservation  
24 commission, composed of seven members appointed by the  
25 governor, subject to confirmation by the senate for staggered  
26 terms of five years. The commission shall exercise the  
27 regulatory and executive powers of the state with respect to  
28 wild animal life and freshwater ~~fresh water~~ aquatic life, and  
29 shall also exercise regulatory and executive powers of the  
30 state with respect to marine life, except that all license  
31 fees for taking wild animal life, freshwater ~~fresh water~~

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1 aquatic life, and marine life and penalties for violating  
 2 regulations of the commission shall be prescribed by general  
 3 law. The commission shall establish procedures to ensure  
 4 adequate due process in the exercise of its regulatory and  
 5 executive functions. The legislature may enact laws in aid of  
 6 the commission, not inconsistent with this section, except  
 7 that there shall be no special law or general law of local  
 8 application pertaining to hunting or fishing. The commission's  
 9 exercise of executive powers in the area of planning,  
 10 budgeting, personnel management, and purchasing shall be as  
 11 provided by law. Revenue derived from license fees for the  
 12 taking of wild animal life and freshwater ~~fresh water~~ aquatic  
 13 life shall be appropriated to the commission by the  
 14 legislature for the purposes of management, protection, and  
 15 conservation of wild animal life and freshwater ~~fresh water~~  
 16 aquatic life. Revenue derived from license fees relating to  
 17 marine life shall be appropriated by the legislature for the  
 18 purposes of management, protection, and conservation of marine  
 19 life as provided by law. The commission shall not be a unit of  
 20 any other state agency and shall have its own staff, which  
 21 includes management, research, and enforcement. Unless  
 22 provided by general law, the commission shall have no  
 23 authority to regulate matters relating to air and water  
 24 pollution.

25 SECTION 10. Attorney General.--The attorney general  
 26 shall, as directed by general law, request the opinion of the  
 27 justices of the supreme court as to the validity of any  
 28 initiative petition circulated pursuant to Article XI, section  
 29 3 ~~of Article XI~~. The justices shall, subject to their rules of  
 30 procedure, permit interested persons to be heard on the  
 31 questions presented and shall render their written opinion no



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1 later than April 1 of the year in which the initiative is to  
2 be submitted to the voters pursuant to Article XI, section 5  
3 ~~of Article XI.~~

4 SECTION 11. Department of Veterans Affairs.--The  
5 legislature, by general law, may provide for the establishment  
6 of the Department of Veterans Affairs.

7 SECTION 12. Department of Elderly Affairs.--The  
8 legislature may create a Department of Elderly Affairs and  
9 prescribe its duties. The provisions governing the  
10 administration of the department must comply with Article IV,  
11 section 6 ~~of Article IV of the State Constitution.~~

12 SECTION 13. Revenue Shortfalls.--In the event of  
13 revenue shortfalls, as defined by general law, the governor  
14 and cabinet may establish all necessary reductions in the  
15 state budget in order to comply with the provisions of Article  
16 VII, section 1(d). The governor and cabinet shall implement  
17 all necessary reductions for the executive budget, the chief  
18 justice of the supreme court shall implement all necessary  
19 reductions for the judicial budget, and the speaker of the  
20 house of representatives and the president of the senate shall  
21 implement all necessary reductions for the legislative budget.  
22 Budget reductions pursuant to this section shall be consistent  
23 with the provisions of Article III, section 19(h).

24  
25 ARTICLE V

26 JUDICIARY

27  
28 SECTION 1. Courts.--The judicial power shall be vested  
29 in a supreme court, district courts of appeal, circuit courts,  
30 and county courts. No other courts may be established by the  
31 state, any political subdivision, or any municipality. The

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1 legislature shall, by general law, divide the state into  
 2 appellate court districts and judicial circuits following  
 3 county lines. Commissions established by law, or  
 4 administrative officers or bodies, may be granted  
 5 quasi-judicial power in matters connected with the functions  
 6 of their offices. The legislature may establish, by general  
 7 law, a civil traffic hearing officer system for the purpose of  
 8 hearing civil traffic infractions. The legislature may, by  
 9 general law, authorize a military court-martial to be  
 10 conducted by military judges of the Florida National Guard,  
 11 with direct appeal of a decision to the District Court of  
 12 Appeal, First District.

13 SECTION 2. Administration; practice and procedure.--

14 (a) The supreme court shall adopt rules for the  
 15 practice and procedure in all courts including the time for  
 16 seeking appellate review, the administrative supervision of  
 17 all courts, the transfer to the court having jurisdiction of  
 18 any proceeding when the jurisdiction of another court has been  
 19 improvidently invoked, and a requirement that no cause shall  
 20 be dismissed because an improper remedy has been sought. The  
 21 supreme court shall adopt rules to allow the court and the  
 22 district courts of appeal to submit questions relating to  
 23 military law to the federal Court of Appeals for the Armed  
 24 Forces for an advisory opinion. Rules of court may be repealed  
 25 by general law enacted by two-thirds vote of the membership of  
 26 each house of the legislature.

27 (b) The chief justice of the supreme court shall be  
 28 chosen by a majority of the members of the court; shall be the  
 29 chief administrative officer of the judicial system; and shall  
 30 have the power to assign justices or judges, including  
 31 consenting retired justices or judges, to temporary duty in

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1 any court for which the judge is qualified and to delegate to  
2 a chief judge of a judicial circuit the power to assign judges  
3 for duty in that circuit.

4 (c) A chief judge for each district court of appeal  
5 shall be chosen by a majority of the judges thereof or, if  
6 there is no majority, by the chief justice. The chief judge  
7 shall be responsible for the administrative supervision of the  
8 court.

9 (d) A chief judge in each circuit shall be chosen from  
10 among the circuit judges as provided by supreme court rule.  
11 The chief judge shall be responsible for the administrative  
12 supervision of the circuit courts and county courts in his or  
13 her circuit.

14 SECTION 3. Supreme court.--

15 (a) ORGANIZATION.--The supreme court shall consist of  
16 seven justices. Of the seven justices, each appellate district  
17 shall have at least one justice elected or appointed from the  
18 district to the supreme court who is a resident of the  
19 district at the time of the original appointment or election.  
20 Five justices shall constitute a quorum. The concurrence of  
21 four justices shall be necessary to a decision. When recusals  
22 for cause would prohibit the court from convening because of  
23 the requirements of this section, judges assigned to temporary  
24 duty may be substituted for justices.

25 (b) JURISDICTION.--The supreme court:

26 (1) Shall hear appeals from final judgments of trial  
27 courts imposing the death penalty and from decisions of  
28 district courts of appeal declaring invalid a state statute or  
29 a provision of the state constitution.

30 (2) When provided by general law, shall hear appeals  
31 from final judgments entered in proceedings for the validation

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1 of bonds or certificates of indebtedness and shall review  
2 action of statewide agencies relating to rates or service of  
3 utilities providing electric, gas, or telephone service.

4 (3) May review any decision of a district court of  
5 appeal that expressly declares valid a state statute, or that  
6 expressly construes a provision of the state or federal  
7 constitution, or that expressly affects a class of  
8 constitutional or state officers, or that expressly and  
9 directly conflicts with a decision of another district court  
10 of appeal or of the supreme court on the same question of law.

11 (4) May review any decision of a district court of  
12 appeal that passes upon a question certified by it to be of  
13 great public importance, or that is certified by it to be in  
14 direct conflict with a decision of another district court of  
15 appeal.

16 (5) May review any order or judgment of a trial court  
17 certified by the district court of appeal, in which an appeal  
18 is pending, to be of great public importance, or to have a  
19 great effect on the proper administration of justice  
20 throughout the state, and certified to require immediate  
21 resolution by the supreme court.

22 (6) May review a question of law certified by the  
23 Supreme Court of the United States or a United States Court of  
24 Appeals which is determinative of the cause and for which  
25 there is no controlling precedent of the supreme court of  
26 Florida.

27 (7) May issue writs of prohibition to courts and all  
28 writs necessary to the complete exercise of its jurisdiction.

29 (8) May issue writs of mandamus and quo warranto to  
30 state officers and state agencies.

31 (9) May, or any justice may, issue writs of habeas

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1 corpus returnable before the supreme court or any justice, a  
2 district court of appeal or any judge thereof, or any circuit  
3 judge.

4 (10) Shall, when requested by the attorney general  
5 pursuant to the provisions of Article IV, section 10 ~~of~~  
6 ~~Article IV~~, render an advisory opinion of the justices,  
7 addressing issues as provided by general law.

8 (c) CLERK AND MARSHAL.--The supreme court shall  
9 appoint a clerk and a marshal who shall hold office at ~~during~~  
10 the pleasure of the court and perform such duties as the court  
11 directs. Their compensation shall be fixed by general law. The  
12 marshal shall have the power to execute the process of the  
13 court throughout the state, and in any county may deputize the  
14 sheriff or a deputy sheriff for such purpose.

15 SECTION 4. District courts of appeal.--

16 (a) ORGANIZATION.--There shall be a district court of  
17 appeal serving each appellate district. Each district court of  
18 appeal shall consist of at least three judges. Three judges  
19 shall consider each case and the concurrence of two shall be  
20 necessary to a decision.

21 (b) JURISDICTION.--

22 (1) District courts of appeal shall have jurisdiction  
23 to hear appeals, that may be taken as a matter of right, from  
24 final judgments or orders of trial courts, including those  
25 entered on review of administrative action, not directly  
26 appealable to the supreme court or a circuit court. They may  
27 review interlocutory orders in such cases to the extent  
28 provided by rules adopted by the supreme court.

29 (2) District courts of appeal shall have the power of  
30 direct review of administrative action, as prescribed by  
31 general law.

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1           (3) A district court of appeal or any judge thereof  
2 may issue writs of habeas corpus returnable before the court  
3 or any judge thereof or before any circuit judge within the  
4 territorial jurisdiction of the court. A district court of  
5 appeal may issue writs of mandamus, certiorari, prohibition,  
6 quo warranto, and other writs necessary to the complete  
7 exercise of its jurisdiction. To the extent necessary to  
8 dispose of all issues in a cause properly before it, a  
9 district court of appeal may exercise any of the appellate  
10 jurisdiction of the circuit courts.

11           (c) CLERKS AND MARSHALS.--Each district court of  
12 appeal shall appoint a clerk and a marshal who shall hold  
13 office during the pleasure of the court and perform such  
14 duties as the court directs. Their compensation shall be fixed  
15 by general law. The marshal shall have the power to execute  
16 the process of the court throughout the territorial  
17 jurisdiction of the court, and in any county may deputize the  
18 sheriff or a deputy sheriff for such purpose.

19           SECTION 5. Circuit courts.--

20           (a) ORGANIZATION.--There shall be a circuit court  
21 serving each judicial circuit.

22           (b) JURISDICTION.--The circuit courts shall have  
23 original jurisdiction not vested in the county courts, and  
24 jurisdiction of appeals when provided by general law. They  
25 shall have the power to issue writs of mandamus, quo warranto,  
26 certiorari, prohibition, and habeas corpus, and all writs  
27 necessary or proper to the complete exercise of their  
28 jurisdiction. Jurisdiction of the circuit courts ~~court~~ shall  
29 be uniform throughout the state. They shall have the power of  
30 direct review of administrative action prescribed by general  
31 law.

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1 SECTION 6. County courts.--

2 (a) ORGANIZATION.--There shall be a county court in  
3 each county. There shall be one or more judges for each county  
4 court as prescribed by general law.

5 (b) JURISDICTION.--The county courts shall exercise  
6 the jurisdiction prescribed by general law. Such jurisdiction  
7 shall be uniform throughout the state.

8 SECTION 7. Specialized divisions.--All courts except  
9 the supreme court may sit in divisions as may be established  
10 by general law. A circuit or county court may hold civil and  
11 criminal trials and hearings in any place within the  
12 territorial jurisdiction of the court as designated by the  
13 chief judge of the circuit.

14 SECTION 8. Eligibility.--No person shall be eligible  
15 for office of justice or judge of any court unless the person  
16 is an elector of the state and resides in the territorial  
17 jurisdiction of the court. No justice or judge shall serve  
18 after attaining the age of seventy years except upon temporary  
19 assignment or to complete a term, one-half of which has been  
20 served. No person is eligible for the office of justice of the  
21 supreme court or judge of a district court of appeal unless  
22 the person is, and has been for the preceding ten years, a  
23 member of the bar of Florida. No person is eligible for the  
24 office of circuit judge unless the person is, and has been for  
25 the preceding five years, a member of the bar of Florida.  
26 Unless otherwise provided by general law, no person is  
27 eligible for the office of county court judge unless the  
28 person is, and has been for the preceding five years, a member  
29 of the bar of Florida. Unless otherwise provided by general  
30 law, a person shall be eligible for election or appointment to  
31 the office of county court judge in a county having a

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1 population of 40,000 or fewer ~~less~~ if the person is a member  
2 in good standing of the bar of Florida.

3           SECTION 9. Determination of number of judges.--The  
4 supreme court shall establish by rule uniform criteria for the  
5 determination of the need for additional judges except supreme  
6 court justices, the necessity for decreasing the number of  
7 judges and for increasing, decreasing, or redefining appellate  
8 districts and judicial circuits. If the supreme court finds  
9 that a need exists for increasing or decreasing the number of  
10 judges or increasing, decreasing, or redefining appellate  
11 districts and judicial circuits, it shall, prior to the next  
12 regular session of the legislature, certify to the legislature  
13 its findings and recommendations concerning such need. Upon  
14 receipt of such certificate, the legislature, at the next  
15 regular session, shall consider the findings and  
16 recommendations and may reject the recommendations or by law  
17 implement the recommendations in whole or in part; provided  
18 the legislature may create more judicial offices than are  
19 recommended by the supreme court or may decrease the number of  
20 judicial offices by a greater number than recommended by the  
21 court only upon a finding of two-thirds of the membership of  
22 both houses of the legislature, that such a need exists. A  
23 decrease in the number of judges shall be effective only after  
24 the expiration of a term. If the supreme court fails to make  
25 findings as provided above when need exists, the legislature  
26 may by concurrent resolution request the court to certify its  
27 findings and recommendations and upon the failure of the court  
28 to certify its findings for nine consecutive months, the  
29 legislature may, upon a finding of two-thirds of the  
30 membership of both houses of the legislature that a need  
31 exists, increase or decrease the number of judges or increase,



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1 decrease, or redefine appellate districts and judicial  
2 circuits.

3 SECTION 10. Retention; election and terms.--

4 (a) Any justice or judge may qualify for retention by  
5 a vote of the electors in the general election next preceding  
6 the expiration of the justice's or judge's term in the manner  
7 prescribed by law. If a justice or judge is ineligible or  
8 fails to qualify for retention, a vacancy shall exist in that  
9 office upon the expiration of the term being served by the  
10 justice or judge. When a justice or judge so qualifies, the  
11 ballot shall read substantially as follows: "Shall Justice (or  
12 Judge) (name of justice or judge) of the (name of the  
13 court) be retained in office?" If a majority of the  
14 qualified electors voting within the territorial jurisdiction  
15 of the court vote to retain, the justice or judge shall be  
16 retained for a term of six years. The term of the justice or  
17 judge retained shall commence on the first Tuesday after the  
18 first Monday in January following the general election. If a  
19 majority of the qualified electors voting within the  
20 territorial jurisdiction of the court vote to not retain, a  
21 vacancy shall exist in that office upon the expiration of the  
22 term being served by the justice or judge.

23 (b)(1) The election of circuit judges shall be  
24 preserved notwithstanding the provisions of subsection (a)  
25 unless a majority of those voting in the jurisdiction of that  
26 circuit approves a local option to select circuit judges by  
27 merit selection and retention rather than by election. The  
28 election of circuit judges shall be by a vote of the qualified  
29 electors within the territorial jurisdiction of the court.

30 (2) The election of county court judges shall be  
31 preserved notwithstanding the provisions of subsection (a)

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1 unless a majority of those voting in the jurisdiction of that  
 2 county approves a local option to select county judges by  
 3 merit selection and retention rather than by election. The  
 4 election of county court judges shall be by a vote of the  
 5 qualified electors within the territorial jurisdiction of the  
 6 court.

7           (3)a. ~~A vote to exercise a local option to select~~  
 8 ~~circuit court judges and county court judges by merit~~  
 9 ~~selection and retention rather than by election shall be held~~  
 10 ~~in each circuit and county at the general election in the year~~  
 11 ~~2000.~~ If a vote to exercise the this local option to select  
 12 circuit court judges and county court judges by merit  
 13 selection and retention rather than by election fails in a  
 14 vote of the electors, such option shall not again be put to a  
 15 vote of the electors of that jurisdiction until the expiration  
 16 of at least two years.

17           b. ~~After the year 2000,~~ A circuit may initiate the  
 18 local option for merit selection and retention or the election  
 19 of circuit judges, whichever is applicable, by filing with the  
 20 custodian of state records a petition signed by the number of  
 21 electors equal to at least ten percent of the votes cast in  
 22 the circuit in the last preceding election in which  
 23 presidential electors were chosen.

24           c. ~~After the year 2000,~~ A county may initiate the  
 25 local option for merit selection and retention or the election  
 26 of county court judges, whichever is applicable, by filing  
 27 with the supervisor of elections a petition signed by the  
 28 number of electors equal to at least ten percent of the votes  
 29 cast in the county in the last preceding election in which  
 30 presidential electors were chosen. The terms of circuit judges  
 31 and judges of county courts shall be for six years.

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1 SECTION 11. Vacancies.--

2 (a) Whenever a vacancy occurs in a judicial office to  
3 which election for retention applies, the governor shall fill  
4 the vacancy by appointing for a term ending on the first  
5 Tuesday after the first Monday in January of the year  
6 following the next general election occurring at least one  
7 year after the date of appointment, one of not fewer than  
8 three persons nor more than six persons nominated by the  
9 appropriate judicial nominating commission.

10 (b) The governor shall fill each vacancy on a circuit  
11 court or on a county court, wherein the judges are elected by  
12 a majority vote of the electors, by appointing for a term  
13 ending on the first Tuesday after the first Monday in January  
14 of the year following the next primary and general election  
15 occurring at least one year after the date of appointment, one  
16 of not fewer than three persons nor more than six persons  
17 nominated by the appropriate judicial nominating commission.  
18 An election shall be held to fill that judicial office for the  
19 term of the office beginning at the end of the appointed term.

20 (c) The nominations shall be made within thirty days  
21 from the occurrence of a vacancy unless the period is extended  
22 by the governor for a time not to exceed thirty days. The  
23 governor shall make the appointment within sixty days after  
24 the nominations have been certified to the governor.

25 (d) There shall be a separate judicial nominating  
26 commission as provided by general law for the supreme court,  
27 each district court of appeal, and each judicial circuit for  
28 all trial courts within the circuit. Uniform rules of  
29 procedure shall be established by the judicial nominating  
30 commissions at each level of the court system. Such rules, or  
31 any part thereof, may be repealed by general law enacted by a

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1 majority vote of the membership of each house of the  
 2 legislature, or by the supreme court, five justices  
 3 concurring. Except for deliberations of the judicial  
 4 nominating commissions, the proceedings of the commissions and  
 5 their records shall be open to the public.

6 SECTION 12. Discipline; removal and retirement.--

7 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial  
 8 qualifications commission is created.

9 (1) There shall be a judicial qualifications  
 10 commission vested with jurisdiction to investigate and  
 11 recommend to the Supreme Court of Florida the removal from  
 12 office of any justice or judge whose conduct, during term of  
 13 office or otherwise occurring, ~~on or after November 1, 1966,~~  
 14 ~~(without regard to the effective date of this section)~~  
 15 demonstrates a present unfitness to hold office, and to  
 16 investigate and recommend the discipline of a justice or judge  
 17 whose conduct, during term of office or otherwise occurring ~~on~~  
 18 ~~or after November 1, 1966 (without regard to the effective~~  
 19 ~~date of this section)~~, warrants such discipline. For purposes  
 20 of this section, the term "discipline" is defined as any or  
 21 all of the following: reprimand, fine, suspension with or  
 22 without pay, or lawyer discipline. The commission shall have  
 23 jurisdiction over justices and judges regarding allegations  
 24 that misconduct occurred before or during service as a justice  
 25 or judge if a complaint is made no later than one year  
 26 following service as a justice or judge. The commission shall  
 27 have jurisdiction regarding allegations of incapacity during  
 28 service as a justice or judge. The commission shall be  
 29 composed of:

30 a. Two judges of district courts of appeal selected by  
 31 the judges of those courts, two circuit judges selected by the

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1 judges of the circuit courts and, two judges of county courts  
2 selected by the judges of those courts;

3 b. Four electors who reside in the state, who are  
4 members of the bar of Florida, and who shall be chosen by the  
5 governing body of the bar of Florida; and

6 c. Five electors who reside in the state, who have  
7 never held judicial office or been members of the bar of  
8 Florida, and who shall be appointed by the governor.

9 (2) The members of the judicial qualifications  
10 commission shall serve staggered terms, not to exceed six  
11 years, as prescribed by general law. No member of the  
12 commission except a judge shall be eligible for state judicial  
13 office while acting as a member of the commission and for a  
14 period of two years thereafter. No member of the commission  
15 shall hold office in a political party or participate in any  
16 campaign for judicial office or hold public office; provided  
17 that a judge may campaign for judicial office and hold that  
18 office. The commission shall elect one of its members as its  
19 chair ~~chairperson~~.

20 (3) Members of the judicial qualifications commission  
21 who are not subject to impeachment shall be subject to removal  
22 from the commission pursuant to the provisions of Article IV,  
23 section 7, ~~Florida Constitution~~.

24 (4) The commission shall adopt rules regulating its  
25 proceedings, the filling of vacancies by the appointing  
26 authorities, the disqualification of members, the rotation of  
27 members between the panels, and the temporary replacement of  
28 disqualified or incapacitated members. The commission's rules,  
29 or any part thereof, may be repealed by general law enacted by  
30 a majority vote of the membership of each house of the  
31 legislature, or by the supreme court, five justices

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1 concurring. The commission shall have power to issue  
2 subpoenas. Until formal charges against a justice or judge are  
3 filed by the investigative panel with the clerk of the supreme  
4 court of Florida all proceedings by or before the commission  
5 shall be confidential; provided, however, upon a finding of  
6 probable cause and the filing by the investigative panel with  
7 said clerk of such formal charges against a justice or judge  
8 such charges and all further proceedings before the commission  
9 shall be public.

10 (5) The commission shall have access to all  
11 information from all executive, legislative, and judicial  
12 agencies, including grand juries, subject to the rules of the  
13 commission. At any time, on request of the speaker of the  
14 house of representatives or the governor, the commission shall  
15 make available all information in the possession of the  
16 commission for use in consideration of impeachment or  
17 suspension, respectively.

18 (b) PANELS.--The commission shall be divided into an  
19 investigative panel and a hearing panel as established by rule  
20 of the commission. The investigative panel is vested with the  
21 jurisdiction to receive or initiate complaints, conduct  
22 investigations, dismiss complaints, and upon a vote of a  
23 simple majority of the panel submit formal charges to the  
24 hearing panel. The hearing panel is vested with the authority  
25 to receive and hear formal charges from the investigative  
26 panel and upon a two-thirds vote of the panel recommend to the  
27 supreme court the removal of a justice or judge or the  
28 involuntary retirement of a justice or judge for any permanent  
29 disability that seriously interferes with the performance of  
30 judicial duties. Upon a simple majority vote of the membership  
31 of the hearing panel, the panel may recommend to the supreme

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1 court that the justice or judge be subject to appropriate  
2 discipline.

3 (c) SUPREME COURT.--The supreme court shall receive  
4 recommendations from the judicial qualifications commission's  
5 hearing panel.

6 (1) The supreme court may accept, reject, or modify in  
7 whole or in part the findings, conclusions, and  
8 recommendations of the commission and it may order that the  
9 justice or judge be subjected to appropriate discipline, or be  
10 removed from office with termination of compensation for  
11 willful or persistent failure to perform judicial duties or  
12 for other conduct unbecoming a member of the judiciary  
13 demonstrating a present unfitness to hold office, or be  
14 involuntarily retired for any permanent disability that  
15 seriously interferes with the performance of judicial duties.  
16 Mala fides ~~Malafides~~, scienter, or moral turpitude on the part  
17 of a justice or judge shall not be required for removal from  
18 office of a justice or judge whose conduct demonstrates a  
19 present unfitness to hold office. After the filing of a formal  
20 proceeding and upon request of the investigative panel, the  
21 supreme court may suspend the justice or judge from office,  
22 with or without compensation, pending final determination of  
23 the inquiry.

24 (2) The supreme court may award costs to the  
25 prevailing party.

26 (d) The power of removal conferred by this section  
27 shall be both alternative and cumulative to the power of  
28 impeachment.

29 (e) Notwithstanding any of the foregoing provisions of  
30 this section, if the person who is the subject of proceedings  
31 by the judicial qualifications commission is a justice of the

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1 supreme court, of Florida all justices of such court  
 2 automatically shall be disqualified to sit as justices of such  
 3 court with respect to all proceedings therein concerning such  
 4 person and the supreme court for such purposes shall be  
 5 composed of a panel consisting of the seven chief judges of  
 6 the judicial circuits of this ~~the~~ state ~~of Florida~~ most senior  
 7 in tenure of judicial office as circuit judge. For purposes of  
 8 determining seniority of such circuit judges in the event  
 9 there be judges of equal tenure in judicial office as circuit  
 10 judge, the judge or judges from the lower numbered circuit or  
 11 circuits shall be deemed senior. In the event any such chief  
 12 circuit judge is under investigation by the judicial  
 13 qualifications commission or is otherwise disqualified or  
 14 unable to serve on the panel, the next most senior chief  
 15 circuit judge or judges shall serve in place of such  
 16 disqualified or disabled chief circuit judge.

17 (f) SCHEDULE TO SECTION 12.--

18 (1) Except to the extent inconsistent with the  
 19 provisions of this section, all provisions of law and rules of  
 20 court in force on the effective date of this article shall  
 21 continue in effect until superseded in the manner authorized  
 22 by this ~~the~~ constitution.

23 (2) After this section becomes effective and until  
 24 adopted by rule of the commission consistent with it:

25 a. The commission shall be divided, as determined by  
 26 the chairperson, into one investigative panel and one hearing  
 27 panel to meet the responsibilities set forth in this section.

28 b. The investigative panel shall be composed of:

- 29 1. Four judges,
- 30 2. Two members of the bar of Florida, and
- 31 3. Three non-lawyers.



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1 c. The hearing panel shall be composed of:

2 1. Two judges,

3 2. Two members of the bar of Florida, and

4 3. Two non-lawyers.

5 d. Membership on the panels may rotate in a manner

6 determined by the rules of the commission provided that no

7 member shall vote as a member of the investigative and hearing

8 panel on the same proceeding.

9 e. The commission shall hire separate staff for each  
10 panel.

11 f. The members of the commission shall serve for  
12 staggered terms of six years.

13 g. The terms of office of the present members of the  
14 judicial qualifications commission shall expire upon the  
15 effective date of the amendments to this section approved by  
16 the legislature during the regular session of the legislature  
17 in 1996 and new members shall be appointed to serve the  
18 following staggered terms:

19 1. Group I.--The terms of five members, composed of  
20 two electors as set forth in s. 12(a)(1)c. of Article V, one  
21 member of the bar of Florida as set forth in s. 12(a)(1)b. of  
22 Article V, one judge from the district courts of appeal and  
23 one circuit judge as set forth in s. 12(a)(1)a. of Article V,  
24 shall expire on December 31, 1998.

25 2. Group II.--The terms of five members, composed of  
26 one elector as set forth in s. 12(a)(1)c. of Article V, two  
27 members of the bar of Florida as set forth in s. 12(a)(1)b. of  
28 Article V, one circuit judge and one county judge as set forth  
29 in s. 12(a)(1)a. of Article V shall expire on December 31,  
30 2000.

31 3. Group III.--The terms of five members, composed of

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1 two electors as set forth in s. 12(a)(1)c. of Article V, one  
 2 member of the bar of Florida as set forth in s. 12(a)(1)b.,  
 3 one judge from the district courts of appeal and one county  
 4 judge as set forth in s. 12(a)(1)a. of Article V, shall expire  
 5 on December 31, 2002.

6 h. An appointment to fill a vacancy of the commission  
 7 shall be for the remainder of the term.

8 i. Selection of members by district courts of appeal  
 9 judges, circuit judges, and county court judges, shall be by  
 10 no less than a majority of the members voting at the  
 11 respective courts' conferences. Selection of members by the  
 12 board of governors of the bar of Florida shall be by no less  
 13 than a majority of the board.

14 j. The commission shall be entitled to recover the  
 15 costs of investigation and prosecution, in addition to any  
 16 penalty levied by the supreme court.

17 k. The compensation of members and referees shall be  
 18 the travel expenses or transportation and per diem allowance  
 19 as provided by general law.

20 SECTION 13. Prohibited activities.--All justices and  
 21 judges shall devote full time to their judicial duties. They  
 22 shall not engage in the practice of law or hold office in any  
 23 political party.

24 SECTION 14. Funding.--

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

31 (b) All funding for the offices of the clerks of the

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1 circuit and county courts performing court-related functions,  
 2 except as otherwise provided in this subsection and subsection  
 3 (c), shall be provided by adequate and appropriate filing fees  
 4 for judicial proceedings and service charges and costs for  
 5 performing court-related functions as required by general law.  
 6 Selected salaries, costs, and expenses of the state courts  
 7 system may be funded from appropriate filing fees for judicial  
 8 proceedings and service charges and costs for performing  
 9 court-related functions, as provided by general law. Where the  
 10 requirements of either the United States Constitution or this  
 11 ~~the constitution of the State of Florida~~ preclude the  
 12 imposition of filing fees for judicial proceedings and service  
 13 charges and costs for performing court-related functions  
 14 sufficient to fund the court-related functions of the offices  
 15 of the clerks of the circuit and county courts, the state  
 16 shall provide, as determined by the legislature, adequate and  
 17 appropriate supplemental funding from state revenues  
 18 appropriated by general law.

19 (c) No county or municipality, except as provided in  
 20 this subsection, shall be required to provide any funding for  
 21 the state courts system, state attorneys' offices, public  
 22 defenders' offices, court-appointed counsel, or the offices of  
 23 the clerks of the circuit and county courts performing  
 24 court-related functions. Counties shall be required to fund  
 25 the cost of communications services, existing radio systems,  
 26 existing multi-agency criminal justice information systems,  
 27 and the cost of construction or lease, maintenance, utilities,  
 28 and security of facilities for the trial courts, public  
 29 defenders' offices, state attorneys' offices, and the offices  
 30 of the clerks of the circuit and county courts performing  
 31 court-related functions. Counties shall also pay reasonable

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1 and necessary salaries, costs, and expenses of the state  
2 courts system to meet local requirements as determined by  
3 general law.

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

6 SECTION 15. Attorneys; admission and discipline.--The  
7 supreme court shall have exclusive jurisdiction to regulate  
8 the admission of persons to the practice of law and the  
9 discipline of persons admitted.

10 SECTION 16. Clerks of the circuit courts.--There shall  
11 be in each county a clerk of the circuit court who shall be  
12 selected pursuant to the provisions of Article VIII, section  
13 1. Notwithstanding any other provision of this ~~the~~  
14 constitution, the duties of the clerk of the circuit court may  
15 be divided by special or general law between two officers, one  
16 serving as clerk of court and one serving as ex officio clerk  
17 of the board of county commissioners, auditor, recorder, and  
18 custodian of all county funds. There may be a clerk of the  
19 county court if authorized by general or special law.

20 SECTION 17. State attorneys.--In each judicial  
21 circuit, a state attorney shall be elected for a term of four  
22 years. Except as otherwise provided in this constitution, the  
23 state attorney shall be the prosecuting officer of all trial  
24 courts in that circuit and shall perform other duties  
25 prescribed by general law; ~~provided~~, however, when authorized  
26 by general law, the violations of all municipal ordinances may  
27 be prosecuted by municipal prosecutors. A state attorney shall  
28 be an elector of the state and reside in the territorial  
29 jurisdiction of the circuit, shall be and have been a member  
30 of the bar of Florida for the preceding five years, shall  
31 devote full time to the duties of the office, and shall not

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1 engage in the private practice of law. State attorneys shall  
2 appoint such assistant state attorneys as may be authorized by  
3 law.

4 SECTION 18. Public defenders.--In each judicial  
5 circuit, a public defender shall be elected for a term of four  
6 years, who shall perform duties prescribed by general law. A  
7 public defender shall be an elector of the state and reside in  
8 the territorial jurisdiction of the circuit and shall be and  
9 have been a member of the bar of Florida for the preceding  
10 five years. Public defenders shall appoint such assistant  
11 public defenders as may be authorized by law.

12 SECTION 19. Judicial officers as conservators of the  
13 peace.--All judicial officers in this state shall be  
14 conservators of the peace.

15 SECTION 20. Schedule to Article V.--

16 (a) This article shall replace all of Article V of the  
17 constitution of 1885, as amended, which shall then stand  
18 repealed.

19 (b) Except to the extent inconsistent with the  
20 provisions of this article, all provisions of law and rules of  
21 court in force on the effective date of this article shall  
22 continue in effect until superseded in the manner authorized  
23 by this ~~the~~ constitution.

24 (c) After this article becomes effective, and until  
25 changed by general law consistent with sections 1 through 19  
26 of this article:

27 (1) The supreme court shall have the jurisdiction  
28 immediately theretofore exercised by it, and it shall  
29 determine all proceedings pending before it on the effective  
30 date of this article.

31 (2) The appellate districts shall be those in

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1 existence on the date of adoption of this article. There shall  
 2 be a district court of appeal in each district. The district  
 3 courts of appeal shall have the jurisdiction immediately  
 4 theretofore exercised by the district courts of appeal and  
 5 shall determine all proceedings pending before them on the  
 6 effective date of this article.

7           (3) Circuit courts shall have jurisdiction of appeals  
 8 from county courts and municipal courts, except those appeals  
 9 which may be taken directly to the supreme court; and they  
 10 shall have exclusive original jurisdiction in all actions at  
 11 law not cognizable by the county courts; of proceedings  
 12 relating to the settlement of the estate of decedents and  
 13 minors, the granting of letters testamentary, guardianship,  
 14 involuntary hospitalization, the determination of  
 15 incompetency, and other jurisdiction usually pertaining to  
 16 courts of probate; in all cases in equity including all cases  
 17 relating to juveniles; of all felonies and of all misdemeanors  
 18 arising out of the same circumstances as a felony which is  
 19 also charged; in all cases involving legality of any tax  
 20 assessment or toll; in the action of ejectment; and in all  
 21 actions involving the titles or boundaries or right of  
 22 possession of real property. The circuit court may issue  
 23 injunctions. There shall be judicial circuits which shall be  
 24 the judicial circuits in existence on the date of adoption of  
 25 this article. The chief judge of a circuit may authorize a  
 26 county court judge to order emergency hospitalizations  
 27 pursuant to Chapter 71-131, Laws of Florida, in the absence  
 28 from the county of the circuit judge and the county court  
 29 judge shall have the power to issue all temporary orders and  
 30 temporary injunctions necessary or proper to the complete  
 31 exercise of such jurisdiction.

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1           (4) County courts shall have original jurisdiction in  
2 all criminal misdemeanor cases not cognizable by the circuit  
3 courts, of all violations of municipal and county ordinances,  
4 and of all actions at law in which the matter in controversy  
5 does not exceed the sum of two thousand five hundred dollars  
6 ~~(\$2,500.00)~~ exclusive of interest and costs, except those  
7 within the exclusive jurisdiction of the circuit courts.  
8 Judges of county courts shall be committing magistrates. The  
9 county courts shall have jurisdiction now exercised by the  
10 county judge's courts other than that vested in the circuit  
11 court by paragraph ~~subsection (c)(3)~~ hereof, the jurisdiction  
12 now exercised by the county courts, the claims court, the  
13 small claims courts, the small claims magistrates courts,  
14 magistrates courts, justice of the peace courts, municipal  
15 courts and courts of chartered counties, including but not  
16 limited to the counties referred to in Article VIII, sections  
17 9, 10, 11 and 24 of the constitution of 1885.

18           (5) Each judicial nominating commission shall be  
19 composed of the following:

20           a. Three members appointed by the Board of Governors  
21 of The Florida Bar from among The Florida Bar members who are  
22 actively engaged in the practice of law with offices within  
23 the territorial jurisdiction of the affected court, district  
24 or circuit;

25           b. Three electors who reside in the territorial  
26 jurisdiction of the court or circuit appointed by the  
27 governor; and

28           c. Three electors who reside in the territorial  
29 jurisdiction of the court or circuit and who are not members  
30 of the bar of Florida, selected and appointed by a majority  
31 vote of the other six members of the commission.

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1           (6) No justice or judge shall be a member of a  
 2 judicial nominating commission. A member of a judicial  
 3 nominating commission may hold public office other than  
 4 judicial office. No member shall be eligible for appointment  
 5 to state judicial office so long as that person is a member of  
 6 a judicial nominating commission and for a period of two years  
 7 thereafter. All acts of a judicial nominating commission shall  
 8 be made with a concurrence of a majority of its members.

9           (7) The members of a judicial nominating commission  
 10 shall serve for a term of four years. ~~except the terms of the~~  
 11 ~~initial members of the judicial nominating commissions shall~~  
 12 ~~expire as follows:~~

13           ~~a. The terms of one member of category a. b. and c. in~~  
 14 ~~subsection (c)(5) hereof shall expire on July 1, 1974;~~

15           ~~b. The terms of one member of category a. b. and c. in~~  
 16 ~~subsection (c)(5) hereof shall expire on July 1, 1975;~~

17           ~~c. The terms of one member of category a. b. and c. in~~  
 18 ~~subsection (c)(5) hereof shall expire on July 1, 1976;~~

19           (8) All fines and forfeitures arising from offenses  
 20 tried in the county court shall be collected, and accounted  
 21 for by clerk of the court, and deposited in a special trust  
 22 account. All fines and forfeitures received from violations of  
 23 ordinances or misdemeanors committed within a county or  
 24 municipal ordinances committed within a municipality within  
 25 the territorial jurisdiction of the county court shall be paid  
 26 monthly to the county or municipality respectively. If any  
 27 costs are assessed and collected in connection with offenses  
 28 tried in county court, all court costs shall be paid into the  
 29 general revenue fund of the state of Florida and such other  
 30 funds as prescribed by general law.

31           (9) Any municipality or county may apply to the chief



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1 judge of the circuit in which that municipality or county is  
 2 situated for the county court to sit in a location suitable to  
 3 the municipality or county and convenient in time and place to  
 4 its citizens and police officers and upon such application  
 5 said chief judge shall direct the court to sit in the location  
 6 unless the chief judge shall determine the request is not  
 7 justified. If the chief judge does not authorize the county  
 8 court to sit in the location requested, the county or  
 9 municipality may apply to the supreme court for an order  
 10 directing the county court to sit in the location. Any  
 11 municipality or county which so applies shall be required to  
 12 provide the appropriate physical facilities in which the  
 13 county court may hold court.

14 (10) All courts except the supreme court may sit in  
 15 divisions as may be established by local rule approved by the  
 16 supreme court.

17 (11) A county court judge in any county having a  
 18 population of 40,000 or fewer ~~less~~ according to the last  
 19 decennial census, shall not be required to be a member of the  
 20 bar of Florida.

21 (12) Municipal prosecutors may prosecute violations of  
 22 municipal ordinances.

23 (13) "Justice" shall mean a justice elected or  
 24 appointed to the supreme court and shall not include any judge  
 25 assigned from any court.

26 (d) When this article becomes effective:

27 (1) All courts not herein authorized, except as  
 28 provided by paragraph ~~subsection (d)(4)~~ ~~of this section~~ shall  
 29 cease to exist and jurisdiction to conclude all pending cases  
 30 and enforce all prior orders and judgments shall vest in the  
 31 court that would have jurisdiction of the cause if thereafter

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1 instituted. All records of and property held by courts  
2 abolished hereby shall be transferred to the proper office of  
3 the appropriate court under this article.

4 (2) Judges of the following courts, if their terms do  
5 not expire in 1973 and if they are eligible under paragraph  
6 ~~subsection (d)(8) hereof~~, shall become additional judges of  
7 the circuit court for each of the counties of their respective  
8 circuits, and shall serve as such circuit judges for the  
9 remainder of the terms to which they were elected and shall be  
10 eligible for election as circuit judges thereafter. These  
11 courts are: civil court of record of Dade county, all criminal  
12 courts of record, the felony courts of record of Alachua,  
13 Leon, and Volusia Counties, the courts of record of Broward,  
14 Brevard, Escambia, Hillsborough, Lee, Manatee, and Sarasota  
15 Counties, the civil and criminal court of record of Pinellas  
16 County, and county judge's courts and separate juvenile courts  
17 in counties having a population in excess of 100,000 according  
18 to the 1970 federal census. On the effective date of this  
19 article, there shall be an additional number of positions of  
20 circuit judges equal to the number of existing circuit judges  
21 and the number of judges of the above named courts whose term  
22 expires in 1973. Elections to such offices shall take place at  
23 the same time and manner as elections to other state judicial  
24 offices in 1972 and the terms of such offices shall be for a  
25 term of six years. Unless changed pursuant to section nine of  
26 this article, the number of circuit judges presently existing  
27 and created by this subsection shall not be changed.

28 (3) In all counties having a population of fewer ~~less~~  
29 than 100,000 according to the 1970 federal census and having  
30 more than one county judge on the date of the adoption of this  
31 article, there shall be the same number of judges of the

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1 county court as there are county judges existing on that date  
2 unless changed pursuant to section 9 of this article.

3 (4) Municipal courts shall continue with their same  
4 jurisdiction until amended or terminated in a manner  
5 prescribed by special or general law or ordinances, or until  
6 January 3, 1977, whichever occurs first. On that date all  
7 municipal courts not previously abolished shall cease to  
8 exist. Judges of municipal courts shall remain in office and  
9 be subject to reappointment or reelection in the manner  
10 prescribed by law until said courts are terminated pursuant to  
11 the provisions of this subsection. Upon municipal courts being  
12 terminated or abolished in accordance with the provisions of  
13 this subsection, the judges thereof who are not members of the  
14 bar of Florida, shall be eligible to seek election as judges  
15 of county courts of their respective counties.

16 (5) Judges, holding elective office in all other  
17 courts abolished by this article, whose terms do not expire in  
18 1973 including judges established pursuant to Article VIII,  
19 sections 9 and 11 of the constitution of 1885 shall serve as  
20 judges of the county court for the remainder of the term to  
21 which they were elected. Unless created pursuant to section 9,  
22 of this Article V such judicial office shall not continue to  
23 exist thereafter.

24 ~~(6) By March 21, 1972, the supreme court shall certify~~  
25 ~~the need for additional circuit and county judges. The~~  
26 ~~legislature in the 1972 regular session may by general law~~  
27 ~~create additional offices of judge, the terms of which shall~~  
28 ~~begin on the effective date of this article. Elections to such~~  
29 ~~offices shall take place at the same time and manner as~~  
30 ~~election to other state judicial offices in 1972.~~

31 (6)(7) County judges of existing county judge's courts

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1 and justices of the peace and magistrates' court who are not  
2 members of bar of Florida shall be eligible to seek election  
3 as county court judges of their respective counties.

4 ~~(7)~~(8) No judge of a court abolished by this article  
5 shall become or be eligible to become a judge of the circuit  
6 court unless the judge has been a member of bar of Florida for  
7 the preceding five years.

8 ~~(8)~~(9) The office of judges of all other courts  
9 abolished by this article shall be abolished as of the  
10 effective date of this article.

11 ~~(10) The offices of county solicitor and prosecuting~~  
12 ~~attorney shall stand abolished, and all county solicitors and~~  
13 ~~prosecuting attorneys holding such offices upon the effective~~  
14 ~~date of this article shall become and serve as assistant state~~  
15 ~~attorneys for the circuits in which their counties are situate~~  
16 ~~for the remainder of their terms, with compensation not less~~  
17 ~~than that received immediately before the effective date of~~  
18 ~~this article.~~

19 (e) LIMITED OPERATION OF SOME PROVISIONS.--

20 ~~(1) All justices of the supreme court, judges of the~~  
21 ~~district courts of appeal and circuit judges in office upon~~  
22 ~~the effective date of this article shall retain their offices~~  
23 ~~for the remainder of their respective terms. All members of~~  
24 ~~the judicial qualifications commission in office upon the~~  
25 ~~effective date of this article shall retain their offices for~~  
26 ~~the remainder of their respective terms. Each state attorney~~  
27 ~~in office on the effective date of this article shall retain~~  
28 ~~the office for the remainder of the term.~~

29 ~~(2) No justice or judge holding office immediately~~  
30 ~~after this article becomes effective who held judicial office~~  
31 ~~on July 1, 1957, shall be subject to retirement from judicial~~

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1 office because of age pursuant to section 8 ~~of this article.~~

2 (f) Until otherwise provided by law, the nonjudicial  
3 duties required of county judges shall be performed by the  
4 judges of the county court.

5 ~~(g) All provisions of Article V of the Constitution of~~  
6 ~~1885, as amended, not embraced herein which are not~~  
7 ~~inconsistent with this revision shall become statutes subject~~  
8 ~~to modification or repeal as are other statutes.~~

9 ~~(h) The requirements of section 14 relative to all~~  
10 ~~county court judges or any judge of a municipal court who~~  
11 ~~continues to hold office pursuant to subsection (d)(4) hereof~~  
12 ~~being compensated by state salaries shall not apply prior to~~  
13 ~~January 3, 1977, unless otherwise provided by general law.~~

14 (g)(i) DELETION OF OBSOLETE SCHEDULE ITEMS.--The  
15 legislature shall have power, by concurrent resolution, to  
16 delete from this article any subsection of this section ~~20~~  
17 including this subsection, when all events to which the  
18 subsection to be deleted is or could become applicable have  
19 occurred. A legislative determination of fact made as a basis  
20 for application of this subsection shall be subject to  
21 judicial review.

22 ~~(j) EFFECTIVE DATE. Unless otherwise provided herein,~~  
23 ~~this article shall become effective at 11:59 o'clock P.M.,~~  
24 ~~Eastern Standard Time, January 1, 1973.~~

ARTICLE VI

SUFFRAGE AND ELECTIONS

29 SECTION 1. Regulation of elections.--All elections by  
30 the people shall be by direct and secret vote. General  
31 elections shall be determined by a plurality of votes cast.

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1 Registration and elections shall, and political party  
 2 functions may, be regulated by law; however, the requirements  
 3 for a candidate with no party affiliation or for a candidate  
 4 of a minor party for placement of the candidate's name on the  
 5 ballot shall be no greater than the requirements for a  
 6 candidate of the party having the largest number of registered  
 7 voters.

8 SECTION 2. Electors.--Every citizen of the United  
 9 States who is at least eighteen years of age and who is a  
 10 permanent resident of the state, if registered as provided by  
 11 law, shall be an elector of the county where registered.

12 SECTION 3. Oath.--Each eligible citizen upon  
 13 registering shall subscribe the following: "I do solemnly  
 14 swear (or affirm) that I will protect and defend the  
 15 Constitution of the United States and the Constitution of the  
 16 State of Florida, and that I am qualified to register as an  
 17 elector under the Constitution and laws of the State of  
 18 Florida."

19 SECTION 4. Disqualifications.--

20 (a) No person convicted of a felony, or adjudicated in  
 21 this or any other state to be mentally incompetent, shall be  
 22 qualified to vote or hold office until restoration of civil  
 23 rights or removal of disability.

24 (b) No person may appear on the ballot for re-election  
 25 to any of the following offices:

- 26 (1) Florida representative,
- 27 (2) Florida senator,
- 28 (3) Florida Lieutenant governor, or
- 29 (4) Any office of the Florida cabinet,
- 30 ~~(5) U.S. Representative from Florida, or~~
- 31 ~~(6) U.S. Senator from Florida~~

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if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

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

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

(b) If all candidates for an office have the same

party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

SECTION 6. Municipal and district

elections.--Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

SECTION 7. Campaign spending limits and funding of

campaigns for elective statewide ~~state-wide~~ office.--It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public

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1 funds in their campaigns. The legislature shall provide  
 2 funding for this provision. General law implementing this  
 3 paragraph shall be at least as protective of effective  
 4 competition by a candidate who uses public funds as the  
 5 general law in effect on January 1, 1998.

ARTICLE VII

FINANCE AND TAXATION

6  
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 8  
 9  
 10 SECTION 1. Taxation; appropriations; state expenses;  
 11 state revenue limitation.--

12 (a) No tax shall be levied except in pursuance of law.  
 13 No state ad valorem taxes shall be levied upon real estate or  
 14 tangible personal property. All other forms of taxation shall  
 15 be preempted to the state except as provided by general law.

16 (b) Motor vehicles, boats, airplanes, trailers,  
 17 trailer coaches, and mobile homes, as defined by law, shall be  
 18 subject to a license tax for their operation in the amounts  
 19 and for the purposes prescribed by law, but shall not be  
 20 subject to ad valorem taxes.

21 (c) No money shall be drawn from the treasury except  
 22 in pursuance of appropriation made by law.

23 (d) Provision shall be made by law for raising  
 24 sufficient revenue to defray the expenses of the state for  
 25 each fiscal period.

26 (e) Except as provided herein, state revenues  
 27 collected for any fiscal year shall be limited to state  
 28 revenues allowed under this subsection for the prior fiscal  
 29 year plus an adjustment for growth. As used in this  
 30 subsection, "growth" means an amount equal to the average  
 31 annual rate of growth in Florida personal income over the most



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1 recent twenty quarters times the state revenues allowed under  
2 this subsection for the prior fiscal year. ~~For the 1995-1996~~  
3 ~~fiscal year, the state revenues allowed under this subsection~~  
4 ~~for the prior fiscal year shall equal the state revenues~~  
5 ~~collected for the 1994-1995 fiscal year.~~ Florida personal  
6 income shall be determined by the legislature, from  
7 information available from the United States Department of  
8 Commerce or its successor on the first day of February prior  
9 to the beginning of the fiscal year. State revenues collected  
10 for any fiscal year in excess of this limitation shall be  
11 transferred to the budget stabilization fund until the fund  
12 reaches the maximum balance specified in Article III, section  
13 18(g) ~~19(g) of Article III~~, and thereafter shall be refunded  
14 to taxpayers as provided by general law. State revenues  
15 allowed under this subsection for any fiscal year may be  
16 increased by a two-thirds vote of the membership of each house  
17 of the legislature in a separate bill that contains no other  
18 subject and that sets forth the dollar amount by which the  
19 state revenues allowed will be increased. The vote may not be  
20 taken less than seventy-two hours after the third reading of  
21 the bill. For purposes of this subsection, "state revenues"  
22 means taxes, fees, licenses, and charges for services imposed  
23 by the legislature on individuals, businesses, or agencies  
24 outside state government. However, "state revenues" does not  
25 include: revenues that are necessary to meet the requirements  
26 set forth in documents authorizing the issuance of bonds by  
27 the state; revenues that are used to provide matching funds  
28 for the federal Medicaid program with the exception of the  
29 revenues used to support the Public Medical Assistance Trust  
30 Fund or its successor program and with the exception of state  
31 matching funds used to fund elective expansions made after

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1 July 1, 1994; proceeds from the state lottery returned as  
 2 prizes; receipts of the Florida Hurricane Catastrophe Fund;  
 3 balances carried forward from prior fiscal years; taxes,  
 4 licenses, fees, and charges for services imposed by local,  
 5 regional, or school district governing bodies; or revenue from  
 6 taxes, licenses, fees, and charges for services required to be  
 7 imposed by any amendment or revision to this constitution  
 8 after July 1, 1994. An adjustment to the revenue limitation  
 9 shall be made by general law to reflect the fiscal impact of  
 10 transfers of responsibility for the funding of governmental  
 11 functions between the state and other levels of government.  
 12 The legislature shall, by general law, prescribe procedures  
 13 necessary to administer this subsection.

14 SECTION 2. Taxes; rate.--All ad valorem taxation shall  
 15 be at a uniform rate within each taxing unit, except the taxes  
 16 on intangible personal property may be at different rates but  
 17 shall never exceed two mills on the dollar of assessed value;  
 18 provided, as to any obligations secured by mortgage, deed of  
 19 trust, or other lien on real estate wherever located, an  
 20 intangible tax of not more than two mills on the dollar may be  
 21 levied by law to be in lieu of all other intangible  
 22 assessments on such obligations.

23 SECTION 3. Taxes; exemptions.--

24 (a) All property owned by a municipality and used  
 25 exclusively by it for municipal or public purposes shall be  
 26 exempt from taxation. A municipality, owning property outside  
 27 the municipality, may be required by general law to make  
 28 payment to the taxing unit in which the property is located.  
 29 Such portions of property as are used predominantly for  
 30 educational, literary, scientific, religious, or charitable  
 31 purposes may be exempted by general law from taxation.

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1           (b) There shall be exempt from taxation, cumulatively,  
 2 to every head of a family residing in this state, household  
 3 goods and personal effects to the value fixed by general law,  
 4 not less than one thousand dollars, and to every widow or  
 5 widower or person who is blind or totally and permanently  
 6 disabled, property to the value fixed by general law not less  
 7 than five hundred dollars.

8           (c) Any county or municipality may, for the purpose of  
 9 its respective tax levy and subject to the provisions of this  
 10 subsection and general law, grant community and economic  
 11 development ad valorem tax exemptions to new businesses and  
 12 expansions of existing businesses, as defined by general law.  
 13 Such an exemption may be granted only by ordinance of the  
 14 county or municipality, and only after the electors of the  
 15 county or municipality voting on such question in a referendum  
 16 authorize the county or municipality to adopt such ordinances.  
 17 An exemption so granted shall apply to improvements to real  
 18 property made by or for the use of a new business and  
 19 improvements to real property related to the expansion of an  
 20 existing business and shall also apply to tangible personal  
 21 property of such new business and tangible personal property  
 22 related to the expansion of an existing business. The amount  
 23 or limits of the amount of such exemption shall be specified  
 24 by general law. The period of time for which such exemption  
 25 may be granted to a new business or expansion of an existing  
 26 business shall be determined by general law. The authority to  
 27 grant such exemption shall expire ten years from the date of  
 28 approval by the electors of the county or municipality, and  
 29 may be renewable by referendum as provided by general law.

30           (d) By general law and subject to conditions specified  
 31 therein, there may be granted an ad valorem tax exemption to a

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1 renewable energy source device and to real property on which  
 2 such device is installed and operated, to the value fixed by  
 3 general law not to exceed the original cost of the device, and  
 4 for the period of time fixed by general law not to exceed ten  
 5 years.

6 (e) Any county or municipality may, for the purpose of  
 7 its respective tax levy and subject to the provisions of this  
 8 subsection and general law, grant historic preservation ad  
 9 valorem tax exemptions to owners of historic properties. This  
 10 exemption may be granted only by ordinance of the county or  
 11 municipality. The amount or limits of the amount of this  
 12 exemption and the requirements for eligible properties must be  
 13 specified by general law. The period of time for which this  
 14 exemption may be granted to a property owner shall be  
 15 determined by general law.

16 SECTION 4. Taxation; assessments.--~~By~~ General law  
 17 ~~regulations~~ shall prescribe regulations that ~~be prescribed~~  
 18 ~~which shall~~ secure a just valuation of all property for ad  
 19 valorem taxation, provided:

20 (a) Agricultural land, land producing high water  
 21 recharge to Florida's aquifers, or land used exclusively for  
 22 noncommercial recreational purposes may be classified by  
 23 general law and assessed solely on the basis of character or  
 24 use.

25 (b) Pursuant to general law, tangible personal  
 26 property held for sale as stock in trade and livestock may be  
 27 valued for taxation at a specified percentage of its value,  
 28 may be classified for tax purposes, or may be exempted from  
 29 taxation.

30 (c) All persons entitled to a homestead exemption  
 31 under section 6 ~~of this Article~~ shall have their homestead

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1 assessed at just value as of January 1, 1994 ~~of the year~~  
2 ~~following the effective date of this amendment~~. This  
3 assessment shall change only as provided herein.

4 (1) Assessments subject to this provision shall be  
5 changed annually on January 1st of each year; but those  
6 changes in assessments shall not exceed the lower of the  
7 following:

8 a. Three percent ~~(3%)~~ of the assessment for the prior  
9 year.

10 b. The percent change in the Consumer Price Index for  
11 all urban consumers, U.S. City Average, all items 1967=100, or  
12 successor reports for the preceding calendar year as initially  
13 reported by the United States Department of Labor, Bureau of  
14 Labor Statistics.

15 (2) No assessment shall exceed just value.

16 (3) After any change of ownership, as provided by  
17 general law, homestead property shall be assessed at just  
18 value as of January 1 of the following year. Thereafter, the  
19 homestead shall be assessed as provided herein.

20 (4) New homestead property shall be assessed at just  
21 value as of January 1st of the year following the  
22 establishment of the homestead. That assessment shall only  
23 change as provided herein.

24 (5) Changes, additions, reductions, or improvements to  
25 homestead property shall be assessed as provided for by  
26 general law; provided, however, after the adjustment for any  
27 change, addition, reduction, or improvement, the property  
28 shall be assessed as provided herein.

29 (6) In the event of a termination of homestead status,  
30 the property shall be assessed as provided by general law.

31 (7) The provisions of this amendment are severable. If

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1 any of the provisions of this amendment shall be held  
 2 unconstitutional by any court of competent jurisdiction, the  
 3 decision of such court shall not affect or impair any  
 4 remaining provisions of this amendment.

5 (d) The legislature may, by general law, for  
 6 assessment purposes and subject to the provisions of this  
 7 subsection, allow counties and municipalities to authorize by  
 8 ordinance that historic property may be assessed solely on the  
 9 basis of character or use. Such character or use assessment  
 10 shall apply only to the jurisdiction adopting the ordinance.  
 11 The requirements for eligible properties must be specified by  
 12 general law.

13 (e) A county may, in the manner prescribed by general  
 14 law, provide for a reduction in the assessed value of  
 15 homestead property to the extent of any increase in the  
 16 assessed value of that property which results from the  
 17 construction or reconstruction of the property for the purpose  
 18 of providing living quarters for one or more natural or  
 19 adoptive grandparents or parents of the owner of the property  
 20 or of the owner's spouse if at least one of the grandparents  
 21 or parents for whom the living quarters are provided is 62  
 22 years of age or older. Such a reduction may not exceed the  
 23 lesser of the following:

24 (1) The increase in assessed value resulting from  
 25 construction or reconstruction of the property.

26 (2) Twenty percent of the total assessed value of the  
 27 property as improved.

28 SECTION 5. Estate, inheritance, and income taxes.--

29 (a) NATURAL PERSONS.--No tax upon estates or  
 30 inheritances or upon the income of natural persons who are  
 31 residents or citizens of the state shall be levied by the

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1 state, or under its authority, in excess of the aggregate of  
2 amounts that ~~which~~ may be allowed to be credited upon or  
3 deducted from any similar tax levied by the United States or  
4 any state.

5 (b) OTHERS.--No tax upon the income of residents and  
6 citizens other than natural persons shall be levied by the  
7 state, or under its authority, in excess of five percent ~~5%~~ of  
8 net income, as defined by law, or at such greater rate as is  
9 authorized by a three-fifths(3/5)vote of the membership of  
10 each house of the legislature or as will provide for the state  
11 the maximum amount which may be allowed to be credited against  
12 income taxes levied by the United States and other states.

13 There shall be exempt from taxation not less than five  
14 thousand dollars ~~(\$5,000)~~ of the excess of net income subject  
15 to tax over the maximum amount allowed to be credited against  
16 income taxes levied by the United States and other states.

17 ~~(c) EFFECTIVE DATE. This section shall become~~  
18 ~~effective immediately upon approval by the electors of~~  
19 ~~Florida.~~

20 SECTION 6. Homestead exemptions.--

21 (a) Every person who has the legal or equitable title  
22 to real estate and maintains thereon the permanent residence  
23 of the owner, or another legally or naturally dependent upon  
24 the owner, shall be exempt from taxation thereon, except  
25 assessments for special benefits, up to the assessed valuation  
26 of five thousand dollars, upon establishment of right thereto  
27 in the manner prescribed by law. The real estate may be held  
28 by legal or equitable title, by the entireties, jointly, in  
29 common, as a condominium, or indirectly by stock ownership or  
30 membership representing the owner's or member's proprietary  
31 interest in a corporation owning a fee or a leasehold

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1 initially in excess of ninety-eight years.

2 (b) Not more than one exemption shall be allowed any  
3 individual or family unit or with respect to any residential  
4 unit. No exemption shall exceed the value of the real estate  
5 assessable to the owner or, in case of ownership through stock  
6 or membership in a corporation, the value of the proportion  
7 which the interest in the corporation bears to the assessed  
8 value of the property.

9 (c) By general law and subject to conditions specified  
10 therein, the exemption shall be increased to a total of  
11 twenty-five thousand dollars of the assessed value of the real  
12 estate for each school district levy. By general law and  
13 subject to conditions specified therein, the exemption for all  
14 other levies may be increased up to an amount not exceeding  
15 ten thousand dollars of the assessed value of the real estate  
16 if the owner has attained age sixty-five or is totally and  
17 permanently disabled and if the owner is not entitled to the  
18 exemption provided in subsection (d).

19 (d) By general law and subject to conditions specified  
20 therein, the exemption shall be increased to a total of the  
21 following amounts of assessed value of real estate for each  
22 levy other than those of school districts: fifteen thousand  
23 dollars with respect to 1980 assessments; twenty thousand  
24 dollars with respect to 1981 assessments; twenty-five thousand  
25 dollars with respect to assessments for 1982 and each year  
26 thereafter. However, such increase shall not apply with  
27 respect to any assessment roll until such roll is first  
28 determined to be in compliance with the provisions of section  
29 4 by a state agency designated by general law. This subsection  
30 shall stand repealed on the effective date of any amendment to  
31 section 4 which provides for the assessment of homestead



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1 | property at a specified percentage of its just value.

2 |       (e) By general law and subject to conditions specified  
3 | therein, the legislature may provide to renters, who are  
4 | permanent residents, ad valorem tax relief on all ad valorem  
5 | tax levies. Such ad valorem tax relief shall be in the form  
6 | and amount established by general law.

7 |       (f) The legislature may, by general law, allow  
8 | counties or municipalities, for the purpose of their  
9 | respective tax levies and subject to the provisions of general  
10 | law, to grant an additional homestead tax exemption not  
11 | exceeding twenty-five thousand dollars to any person who has  
12 | the legal or equitable title to real estate and maintains  
13 | thereon the permanent residence of the owner and who has  
14 | attained age sixty-five and whose household income, as defined  
15 | by general law, does not exceed twenty thousand dollars. The  
16 | general law must allow counties and municipalities to grant  
17 | this additional exemption, within the limits prescribed in  
18 | this subsection, by ordinance adopted in the manner prescribed  
19 | by general law, and must provide for the periodic adjustment  
20 | of the income limitation prescribed in this subsection for  
21 | changes in the cost of living.

22 |       SECTION 7. Allocation of pari-mutuel taxes.--Taxes  
23 | upon the operation of pari-mutuel pools may be preempted to  
24 | the state or allocated in whole or in part to the counties.  
25 | When allocated to the counties, the distribution shall be in  
26 | equal amounts to the several counties.

27 |       SECTION 8. Aid to local governments.--State funds may  
28 | be appropriated to the several counties, school districts,  
29 | municipalities, or special districts upon such conditions as  
30 | may be provided by general law. These conditions may include  
31 | the use of relative ad valorem assessment levels determined by

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1 a state agency designated by general law.

2 SECTION 9. Local taxes.--

3 (a) Counties, school districts, and municipalities  
4 shall, and special districts may, be authorized by law to levy  
5 ad valorem taxes and may be authorized by general law to levy  
6 other taxes, for their respective purposes, except ad valorem  
7 taxes on intangible personal property and taxes prohibited by  
8 this constitution.

9 (b) Ad valorem taxes, exclusive of taxes levied for  
10 the payment of bonds and taxes levied for periods not longer  
11 than two years when authorized by vote of the electors who are  
12 the owners of freeholds therein not wholly exempt from  
13 taxation, shall not be levied in excess of the following  
14 millages upon the assessed value of real estate and tangible  
15 personal property: for all county purposes, ten mills; for all  
16 municipal purposes, ten mills; for all school purposes, ten  
17 mills; for water management purposes for the northwest portion  
18 of the state lying west of the line between ranges two and  
19 three east, 0.05 mill; for water management purposes for the  
20 remaining portions of the state, 1.0 mill; and for all other  
21 special districts a millage authorized by law approved by vote  
22 of the electors who are owners of freeholds therein not wholly  
23 exempt from taxation. A county furnishing municipal services  
24 may, to the extent authorized by law, levy additional taxes  
25 within the limits fixed for municipal purposes.

26 SECTION 10. Pledging credit.--Neither the state nor  
27 any county, school district, municipality, special district,  
28 or agency of any of them, shall become a joint owner with, or  
29 stockholder of, or give, lend, or use its taxing power or  
30 credit to aid any corporation, association, partnership, or  
31 person; but this shall not prohibit laws authorizing:

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1           (a) The investment of public trust funds;  
 2           (b) The investment of other public funds in  
 3 obligations of, or insured by, the United States or any of its  
 4 instrumentalities;

5           (c) The issuance and sale by any county, municipality,  
 6 special district, or other local governmental body of (1)  
 7 revenue bonds to finance or refinance the cost of capital  
 8 projects for airports or port facilities, or (2) revenue bonds  
 9 to finance or refinance the cost of capital projects for  
 10 industrial or manufacturing plants to the extent that the  
 11 interest thereon is exempt from income taxes under the then  
 12 existing laws of the United States, when, in either case, the  
 13 revenue bonds are payable solely from revenue derived from the  
 14 sale, operation, or leasing of the projects. If any project so  
 15 financed, or any part thereof, is occupied or operated by any  
 16 private corporation, association, partnership, or person  
 17 pursuant to contract or lease with the issuing body, the  
 18 property interest created by such contract or lease shall be  
 19 subject to taxation to the same extent as other privately  
 20 owned property.

21           (d) A municipality, county, special district, or  
 22 agency of any of them, being a joint owner of, giving, or  
 23 lending or using its taxing power or credit for the joint  
 24 ownership, construction, and operation of electrical energy  
 25 generating or transmission facilities with any corporation,  
 26 association, partnership, or person.

27           SECTION 11. State bonds; revenue bonds.--

28           (a) State bonds pledging the full faith and credit of  
 29 the state may be issued only to finance or refinance the cost  
 30 of state fixed capital outlay projects authorized by law, and  
 31 purposes incidental thereto, upon approval by a vote of the

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1 electors; provided state bonds issued pursuant to this  
 2 subsection may be refunded without a vote of the electors at a  
 3 lower net average interest cost rate. The total outstanding  
 4 principal of state bonds issued pursuant to this subsection  
 5 shall never exceed fifty percent of the total tax revenues of  
 6 the state for the two preceding fiscal years, excluding any  
 7 tax revenues held in trust under the provisions of this  
 8 constitution.

9 (b) Moneys sufficient to pay debt service on state  
 10 bonds as the same becomes due shall be appropriated by law.

11 (c) Any state bonds pledging the full faith and credit  
 12 of the state issued under this section or any other section of  
 13 this constitution may be combined for the purposes of sale.

14 (d) Revenue bonds may be issued by the state or its  
 15 agencies without a vote of the electors to finance or  
 16 refinance the cost of state fixed capital outlay projects  
 17 authorized by law, and purposes incidental thereto, and shall  
 18 be payable solely from funds derived directly from sources  
 19 other than state tax revenues.

20 (e) Bonds pledging all or part of a dedicated state  
 21 tax revenue may be issued by the state in the manner provided  
 22 by general law to finance or refinance the acquisition and  
 23 improvement of land, water areas, and related property  
 24 interests and resources for the purposes of conservation,  
 25 outdoor recreation, water resource development, restoration of  
 26 natural systems, and historic preservation.

27 (f) Each project, building, or facility to be financed  
 28 or refinanced with revenue bonds issued under this section  
 29 shall first be approved by the legislature by an act relating  
 30 to appropriations or by general law.

31 SECTION 12. Local bonds.--Counties, school districts,

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1 municipalities, special districts, and local governmental  
 2 bodies with taxing powers may issue bonds, certificates of  
 3 indebtedness, or any form of tax anticipation certificates,  
 4 payable from ad valorem taxation and maturing more than twelve  
 5 months after issuance only:

6 (a) To finance or refinance capital projects  
 7 authorized by law and only when approved by vote of the  
 8 electors who are owners of freeholds therein not wholly exempt  
 9 from taxation; or

10 (b) To refund outstanding bonds and interest and  
 11 redemption premium thereon at a lower net average interest  
 12 cost rate.

13 SECTION 13. Relief from illegal taxes.--Until payment  
 14 of all taxes which have been legally assessed upon the  
 15 property of the same owner, no court shall grant relief from  
 16 the payment of any tax that may be illegal or illegally  
 17 assessed.

18 SECTION 14. Bonds for pollution control and abatement  
 19 and other water facilities.--

20 (a) When authorized by law, state bonds pledging the  
 21 full faith and credit of the state may be issued without an  
 22 election to finance the construction of air and water  
 23 pollution control and abatement and solid waste disposal  
 24 facilities and other water facilities authorized by general  
 25 law (herein referred to as "facilities") to be operated by any  
 26 municipality, county, district or authority, or any agency  
 27 thereof (herein referred to as "local governmental agencies"),  
 28 or by any agency of the State of Florida. Such bonds shall be  
 29 secured by a pledge of and shall be payable primarily from all  
 30 or any part of revenues to be derived from operation of such  
 31 facilities, special assessments, rentals to be received under

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1 lease-purchase agreements herein provided for, any other  
 2 revenues that may be legally available for such purpose,  
 3 including revenues from other facilities, or any combination  
 4 thereof (herein collectively referred to as "pledged  
 5 revenues"), and shall be additionally secured by the full  
 6 faith and credit of the State of Florida.

7 (b) No such bonds shall be issued unless a state  
 8 fiscal agency, created by law, has made a determination that  
 9 in no state fiscal year will the debt service requirements of  
 10 the bonds proposed to be issued and all other bonds secured by  
 11 the pledged revenues exceed seventy-five percent ~~per cent~~ of  
 12 the pledged revenues.

13 (c) The state may lease any of such facilities to any  
 14 local governmental agency, under lease-purchase agreements for  
 15 such periods and under such other terms and conditions as may  
 16 be mutually agreed upon. The local governmental agencies may  
 17 pledge the revenues derived from such leased facilities or any  
 18 other available funds for the payment of rentals thereunder;  
 19 and, in addition, the full faith and credit and taxing power  
 20 of such local governmental agencies may be pledged for the  
 21 payment of such rentals without any election of freeholder  
 22 electors or qualified electors.

23 (d) The state may also issue such bonds for the  
 24 purpose of loaning money to local governmental agencies, for  
 25 the construction of such facilities to be owned or operated by  
 26 any of such local governmental agencies. Such loans shall bear  
 27 interest at not more than one-half of one percent ~~per cent~~ per  
 28 annum greater than the last preceding issue of state bonds  
 29 pursuant to this section, shall be secured by the pledged  
 30 revenues, and may be additionally secured by the full faith  
 31 and credit of the local governmental agencies.

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1           (e) The total outstanding principal of state bonds  
 2 issued pursuant to this section ~~14~~ shall never exceed fifty  
 3 percent ~~per cent~~ of the total tax revenues of the state for  
 4 the two preceding fiscal years.

5           SECTION 15. Revenue bonds for scholarship loans.--

6           (a) When authorized by law, revenue bonds may be  
 7 issued to establish a fund to make loans to students  
 8 determined eligible as prescribed by law and who have been  
 9 admitted to attend any public or private institutions of  
 10 higher learning, junior colleges, health related training  
 11 institutions, or vocational training centers, which are  
 12 recognized or accredited under terms and conditions prescribed  
 13 by law. Revenue bonds issued pursuant to this section shall be  
 14 secured by a pledge of and shall be payable primarily from  
 15 payments of interest, principal, and handling charges to such  
 16 fund from the recipients of the loans and, if authorized by  
 17 law, may be additionally secured by student fees and by any  
 18 other moneys in such fund. There shall be established from the  
 19 proceeds of each issue of revenue bonds a reserve account in  
 20 an amount equal to and sufficient to pay the greatest amount  
 21 of principal, interest, and handling charges to become due on  
 22 such issue in any ensuing state fiscal year.

23           (b) Interest moneys in the fund established pursuant  
 24 to this section, not required in any fiscal year for payment  
 25 of debt service on then outstanding revenue bonds or for  
 26 maintenance of the reserve account, may be used for  
 27 educational loans to students determined to be eligible  
 28 therefor in the manner provided by law, or for such other  
 29 related purposes as may be provided by law.

30           SECTION 16. Bonds for housing and related  
 31 facilities.--

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1           (a) When authorized by law, revenue bonds may be  
 2 issued without an election to finance or refinance housing and  
 3 related facilities in Florida, herein referred to as  
 4 "facilities."

5           (b) The bonds shall be secured by a pledge of and  
 6 shall be payable primarily from all or any part of revenues to  
 7 be derived from the financing, operation, or sale of such  
 8 facilities, mortgage or loan payments, and any other revenues  
 9 or assets that may be legally available for such purposes  
 10 derived from sources other than ad valorem taxation, including  
 11 revenues from other facilities, or any combination thereof,  
 12 herein collectively referred to as "pledged revenues,"  
 13 provided that in no event shall the full faith and credit of  
 14 the state be pledged to secure such revenue bonds.

15           (c) No bonds shall be issued unless a state fiscal  
 16 agency, created by law, has made a determination that in no  
 17 state fiscal year will the debt service requirements of the  
 18 bonds proposed to be issued and all other bonds secured by the  
 19 same pledged revenues exceed the pledged revenues available  
 20 for payment of such debt service requirements, as defined by  
 21 law.

22           SECTION 17. Bonds for acquiring transportation  
 23 right-of-way or for constructing bridges.--

24           (a) When authorized by law, state bonds pledging the  
 25 full faith and credit of the state may be issued, without a  
 26 vote of the electors, to finance or refinance the cost of  
 27 acquiring real property or the rights to real property for  
 28 state roads as defined by law, or to finance or refinance the  
 29 cost of state bridge construction, and purposes incidental to  
 30 such property acquisition or state bridge construction.

31           (b) Bonds issued under this section shall be secured



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1 by a pledge of and shall be payable primarily from motor fuel  
 2 or special fuel taxes, except those defined in Article XII,  
 3 section 7(c) ~~9(c) of Article XII~~, as provided by law, and  
 4 shall additionally be secured by the full faith and credit of  
 5 the state.

6 (c) No bonds shall be issued under this section unless  
 7 a state fiscal agency, created by law, has made a  
 8 determination that in no state fiscal year will the debt  
 9 service requirements of the bonds proposed to be issued and  
 10 all other bonds secured by the same pledged revenues exceed  
 11 ninety percent of the pledged revenues available for payment  
 12 of such debt service requirements, as defined by law. For the  
 13 purposes of this subsection, the term "pledged revenues" means  
 14 all revenues pledged to the payment of debt service, excluding  
 15 any pledge of the full faith and credit of the state.

16 SECTION 18. Laws requiring counties or municipalities  
 17 to spend funds or limiting their ability to raise revenue or  
 18 receive state tax revenue.--

19 (a) No county or municipality shall be bound by any  
 20 general law requiring such county or municipality to spend  
 21 funds or to take an action requiring the expenditure of funds  
 22 unless the legislature has determined that such law fulfills  
 23 an important state interest and unless: funds have been  
 24 appropriated that have been estimated at the time of enactment  
 25 to be sufficient to fund such expenditure; the legislature  
 26 authorizes or has authorized a county or municipality to enact  
 27 a funding source not available for such county or municipality  
 28 on February 1, 1989, that can be used to generate the amount  
 29 of funds estimated to be sufficient to fund such expenditure  
 30 by a simple majority vote of the governing body of such county  
 31 or municipality; the law requiring such expenditure is

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1 approved by two-thirds of the membership in each house of the  
 2 legislature; the expenditure is required to comply with a law  
 3 that applies to all persons similarly situated, including the  
 4 state and local governments; or the law is either required to  
 5 comply with a federal requirement or required for eligibility  
 6 for a federal entitlement, which federal requirement  
 7 specifically contemplates actions by counties or  
 8 municipalities for compliance.

9 (b) Except upon approval of each house of the  
 10 legislature by two-thirds of the membership, the legislature  
 11 may not enact, amend, or repeal any general law if the  
 12 anticipated effect of doing so would be to reduce the  
 13 authority that municipalities or counties have to raise  
 14 revenues in the aggregate, as such authority exists on  
 15 February 1, 1989.

16 (c) Except upon approval of each house of the  
 17 legislature by two-thirds of the membership, the legislature  
 18 may not enact, amend, or repeal any general law if the  
 19 anticipated effect of doing so would be to reduce the  
 20 percentage of a state tax shared with counties and  
 21 municipalities as an aggregate on February 1, 1989. The  
 22 provisions of this subsection shall not apply to enhancements  
 23 enacted after February 1, 1989, to state tax sources, or  
 24 during a fiscal emergency declared in a written joint  
 25 proclamation issued by the president of the senate and the  
 26 speaker of the house of representatives, or where the  
 27 legislature provides additional state-shared revenues that  
 28 ~~which~~ are anticipated to be sufficient to replace the  
 29 anticipated aggregate loss of state-shared revenues resulting  
 30 from the reduction of the percentage of the state tax shared  
 31 with counties and municipalities, which source of replacement

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1 revenues shall be subject to the same requirements for repeal  
2 or modification as provided herein for a state-shared tax  
3 source existing on February 1, 1989.

4 (d) Laws adopted to require funding of pension  
5 benefits existing on January 8, 1991; ~~the effective date of~~  
6 ~~this section~~, criminal laws; election laws; the general  
7 appropriations act; special appropriations acts; laws  
8 reauthorizing but not expanding then-existing statutory  
9 authority; laws having insignificant fiscal impact; and laws  
10 creating, modifying, or repealing noncriminal infractions, are  
11 exempt from the requirements of this section.

12 (e) The legislature may enact laws to assist in the  
13 implementation and enforcement of this section.

14  
15 ARTICLE VIII

16 LOCAL GOVERNMENT

17  
18 SECTION 1. Counties.--

19 (a) POLITICAL SUBDIVISIONS.--The state shall be  
20 divided by law into political subdivisions called counties.  
21 Counties may be created, abolished, or changed by law, with  
22 provision for payment or apportionment of the public debt.

23 (b) COUNTY FUNDS.--The care, custody, and method of  
24 disbursing county funds shall be provided by general law.

25 (c) GOVERNMENT.--Pursuant to general or special law, a  
26 county government may be established by charter that ~~which~~  
27 shall be adopted, amended, or repealed only upon vote of the  
28 electors of the county in a special election called for that  
29 purpose.

30 (d) COUNTY OFFICERS.--There shall be elected by the  
31 electors of each county, for terms of four years, a sheriff, a

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1 tax collector, a property appraiser, a supervisor of  
 2 elections, and a clerk of the circuit court; except, when  
 3 provided by county charter or special law approved by vote of  
 4 the electors of the county, any county officer may be chosen  
 5 in another manner therein specified, or any county office may  
 6 be abolished when all the duties of the office prescribed by  
 7 general law are transferred to another office. When not  
 8 otherwise provided by county charter or special law approved  
 9 by vote of the electors, the clerk of the circuit court shall  
 10 be ex officio clerk of the board of county commissioners,  
 11 auditor, recorder, and custodian of all county funds.

12 (e) COMMISSIONERS.--Except when otherwise provided by  
 13 county charter, the governing body of each county shall be a  
 14 board of county commissioners composed of five or seven  
 15 members serving staggered terms of four years. After each  
 16 decennial census, the board of county commissioners shall  
 17 divide the county into districts of contiguous territory as  
 18 nearly equal in population as practicable. One commissioner  
 19 residing in each district shall be elected as provided by law.

20 (f) NON-CHARTER GOVERNMENT.--Counties not operating  
 21 under county charters shall have such power of self-government  
 22 as is provided by general or special law. The board of county  
 23 commissioners of a county not operating under a charter may  
 24 enact, in a manner prescribed by general law, county  
 25 ordinances not inconsistent with general or special law, but  
 26 an ordinance in conflict with a municipal ordinance shall not  
 27 be effective within the municipality to the extent of such  
 28 conflict.

29 (g) CHARTER GOVERNMENT.--Counties operating under  
 30 county charters shall have all powers of local self-government  
 31 not inconsistent with general law, or with special law

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1 approved by vote of the electors. The governing body of a  
 2 county operating under a charter may enact county ordinances  
 3 not inconsistent with general law. The charter shall provide  
 4 which shall prevail in the event of conflict between county  
 5 and municipal ordinances.

6 (h) TAXES; LIMITATION.--Property situate within  
 7 municipalities shall not be subject to taxation for services  
 8 rendered by the county exclusively for the benefit of the  
 9 property or residents in unincorporated areas.

10 (i) COUNTY ORDINANCES.--Each county ordinance shall be  
 11 filed with the custodian of state records and shall become  
 12 effective at such time thereafter as is provided by general  
 13 law.

14 (j) VIOLATION OF ORDINANCES.--Persons violating county  
 15 ordinances shall be prosecuted and punished as provided by  
 16 law.

17 (k) COUNTY SEAT.--In every county there shall be a  
 18 county seat at which shall be located the principal offices  
 19 and permanent records of all county officers. The county seat  
 20 may not be moved except as provided by general law. Branch  
 21 offices for the conduct of county business may be established  
 22 elsewhere in the county by resolution of the governing body of  
 23 the county in the manner prescribed by law. No instrument  
 24 shall be deemed recorded until filed at the county seat, or a  
 25 branch office designated by the governing body of the county  
 26 for the recording of instruments, according to law.

27 SECTION 2. Municipalities.--

28 (a) ESTABLISHMENT.--Municipalities may be established  
 29 or abolished and their charters amended pursuant to general or  
 30 special law. When any municipality is abolished, provision  
 31 shall be made for the protection of its creditors.

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1           (b) POWERS.--Municipalities shall have governmental,  
2 corporate, and proprietary powers to enable them to conduct  
3 municipal government, perform municipal functions and render  
4 municipal services, and may exercise any power for municipal  
5 purposes except as otherwise provided by law. Each municipal  
6 legislative body shall be elective.

7           (c) ANNEXATION.--Municipal annexation of  
8 unincorporated territory, merger of municipalities, and  
9 exercise of extra-territorial powers by municipalities shall  
10 be as provided by general or special law.

11           SECTION 3. Consolidation.--The government of a county  
12 and the government of one or more municipalities located  
13 therein may be consolidated into a single government, which  
14 may exercise any and all powers of the county and the several  
15 municipalities. The consolidation plan may be proposed only by  
16 special law, which shall become effective if approved by vote  
17 of the electors of the county, or of the county and  
18 municipalities affected, as may be provided in the plan.  
19 Consolidation shall not extend the territorial scope of  
20 taxation for the payment of pre-existing debt except to areas  
21 whose residents receive a benefit from the facility or service  
22 for which the indebtedness was incurred.

23           SECTION 4. Transfer of powers.--By law or by  
24 resolution of the governing bodies of each of the governments  
25 affected, any function or power of a county, municipality, or  
26 special district may be transferred to or contracted to be  
27 performed by another county, municipality, or special  
28 district, after approval by vote of the electors of the  
29 transferor and approval by vote of the electors of the  
30 transferee, or as otherwise provided by law.

31           SECTION 5. Local option.--

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1 (a) Local option on the legality or prohibition of the  
 2 sale of intoxicating liquors, wines, or beers shall be  
 3 preserved to each county. The status of a county with respect  
 4 thereto shall be changed only by vote of the electors in a  
 5 special election called upon the petition of twenty-five  
 6 percent ~~per cent~~ of the electors of the county, and not sooner  
 7 than two years after an earlier election on the same question.  
 8 Where legal, the sale of intoxicating liquors, wines, and  
 9 beers shall be regulated by law.

10 (b) Each county shall have the authority to require a  
 11 criminal history records check and a 3-to-5-day ~~3 to 5 day~~  
 12 waiting period, excluding weekends and legal holidays, in  
 13 connection with the sale of any firearm occurring within such  
 14 county. For purposes of this subsection, the term "sale" means  
 15 the transfer of money or other valuable consideration for any  
 16 firearm when any part of the transaction is conducted on  
 17 property to which the public has the right of access. Holders  
 18 of a concealed weapons permit as prescribed by general law  
 19 shall not be subject to the provisions of this subsection when  
 20 purchasing a firearm.

21 SECTION 6. Schedule to Article VIII.--

22 (a) APPLICABILITY TO FORMER ARTICLE.--This article  
 23 shall replace all of Article VIII of the constitution of 1885,  
 24 as amended, except those sections expressly retained and made  
 25 a part of this article by reference.

26 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES;  
 27 DISTRICTS.--The status of the following items as they exist on  
 28 the date this article becomes effective is recognized and  
 29 shall be continued until changed in accordance with law: the  
 30 counties of the state; their status with respect to the  
 31 legality of the sale of intoxicating liquors, wines, and

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1 | beers; the method of selection of county officers; the  
2 | performance of municipal functions by county officers; the  
3 | county seats; and the municipalities and special districts of  
4 | the state, their powers, jurisdiction, and government.

5 |       ~~(c) OFFICERS TO CONTINUE IN OFFICE. Every person~~  
6 | ~~holding office when this article becomes effective shall~~  
7 | ~~continue in office for the remainder of the term if that~~  
8 | ~~office is not abolished. If the office is abolished the~~  
9 | ~~incumbent shall be paid adequate compensation, to be fixed by~~  
10 | ~~law, for the loss of emoluments for the remainder of the term.~~

11 |       ~~(c)(d)~~ ORDINANCES.--Local laws relating only to  
12 | unincorporated areas of a county on the effective date of this  
13 | article may be amended or repealed by county ordinance.

14 |       ~~(d)(e)~~ CONSOLIDATION AND HOME RULE.--Article VIII,  
15 | sections 9, 10, 11, and 24, of the constitution of 1885, as  
16 | amended, shall remain in full force and effect as to each  
17 | county affected, as if this article had not been adopted,  
18 | until that county shall expressly adopt a charter or home rule  
19 | plan pursuant to this article. All provisions of the  
20 | Metropolitan Dade County Home Rule Charter, heretofore or  
21 | hereafter adopted by the electors of Dade County pursuant to  
22 | Article VIII, section 11, of the constitution of 1885, as  
23 | amended, shall be valid, and any amendments to such charter  
24 | shall be valid; provided that the said provisions of such  
25 | charter and the said amendments thereto are authorized under  
26 | said Article VIII, section 11, of the constitution of 1885, as  
27 | amended.

28 |       ~~(e)(f)~~ DADE COUNTY; POWERS CONFERRED UPON  
29 | MUNICIPALITIES.--To the extent not inconsistent with the  
30 | powers of existing municipalities or general law, the  
31 | Metropolitan Government of Dade County may exercise all the



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1 powers conferred now or hereafter by general law upon  
2 municipalities.

3 ~~(f)(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.--The  
4 legislature shall have power, by joint resolution, to delete  
5 from this article any subsection of this section ~~6~~, including  
6 this subsection, when all events to which the subsection to be  
7 deleted is or could become applicable have occurred. A  
8 legislative determination of fact made as a basis for  
9 application of this subsection shall be subject to judicial  
10 review.

11  
12 ARTICLE IX

13 EDUCATION

14  
15 SECTION 1. Public education.--

16 (a) The education of children is a fundamental value  
17 of the people of this ~~the~~ state ~~of Florida~~. It is, therefore,  
18 a paramount duty of the state to make adequate provision for  
19 the education of all children residing within its borders.  
20 Adequate provision shall be made by law for a uniform,  
21 efficient, safe, secure, and high quality system of free  
22 public schools that allows students to obtain a high quality  
23 education and for the establishment, maintenance, and  
24 operation of institutions of higher learning and other public  
25 education programs that the needs of the people may require.  
26 To assure that children attending public schools obtain a high  
27 quality education, the legislature shall make adequate  
28 provision to ensure that, by the beginning of the 2010 school  
29 year, there are a sufficient number of classrooms so that:

30 (1) The maximum number of students who are assigned to  
31 each teacher who is teaching in public school classrooms for

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1 prekindergarten through grade 3 does not exceed 18 students;

2 (2) The maximum number of students who are assigned to  
3 each teacher who is teaching in public school classrooms for  
4 grades 4 through 8 does not exceed 22 students; and

5 (3) The maximum number of students who are assigned to  
6 each teacher who is teaching in public school classrooms for  
7 grades 9 through 12 does not exceed 25 students.

8

9 The class size requirements of this subsection do not apply to  
10 extracurricular classes. Payment of the costs associated with  
11 reducing class size to meet these requirements is the  
12 responsibility of the state and not of local school ~~schools~~  
13 districts. ~~Beginning with the 2003-2004 fiscal year,~~ The  
14 legislature shall provide sufficient funds to reduce the  
15 average number of students in each classroom by at least two  
16 students per year until the maximum number of students per  
17 classroom does not exceed the requirements of this subsection.

18 (b) Every four-year-old ~~four-year-old~~ child in Florida  
19 shall be provided by the State a high-quality ~~high-quality~~  
20 pre-kindergarten learning opportunity in the form of an early  
21 childhood development and education program that ~~which~~ shall  
22 be voluntary, high quality, free, and delivered according to  
23 professionally accepted standards. An early childhood  
24 development and education program means an organized program  
25 designed to address and enhance each child's ability to make  
26 age-appropriate ~~age-appropriate~~ progress in an appropriate  
27 range of settings in the development of language and cognitive  
28 capabilities and emotional, social, regulatory, and moral  
29 capacities through education in basic skills and such other  
30 skills as the legislature may determine to be appropriate.

31 (c) The early childhood education and development

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1 programs provided by reason of subsection ~~subparagraph~~ (b)  
 2 shall be implemented ~~no later than the beginning of the 2005~~  
 3 ~~school year~~ through funds generated in addition to those used  
 4 for existing education, health, and development programs.  
 5 Existing education, health, and development programs are those  
 6 funded by the state as of January 1, 2002, that provided for  
 7 child or adult education, health care, or development.

8 SECTION 2. State board of education.--The state board  
 9 of education shall be a body corporate and have such  
 10 supervision of the system of free public education as is  
 11 provided by law. The state board of education shall consist of  
 12 seven members appointed by the governor to staggered 4-year  
 13 terms, subject to confirmation by the senate. The state board  
 14 of education shall appoint the commissioner of education.

15 SECTION 3. Terms of appointive board members.--Members  
 16 of any appointive board dealing with education may serve terms  
 17 in excess of four years as provided by law.

18 SECTION 4. School districts; school boards.--

19 (a) Each county shall constitute a school district, ~~+~~  
 20 provided ~~that~~, two or more contiguous counties, upon vote of  
 21 the electors of each county pursuant to law, may be combined  
 22 into one school district. In each school district, there shall  
 23 be a school board composed of five or more members chosen by  
 24 vote of the electors in a nonpartisan election for  
 25 appropriately staggered terms of four years, as provided by  
 26 law.

27 (b) The school board shall operate, control, and  
 28 supervise all free public schools within the school district  
 29 and determine the rate of school district taxes within the  
 30 limits prescribed herein. Two or more school districts may  
 31 operate and finance joint educational programs.

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1           SECTION 5. Superintendent of schools.--In each school  
2 district, there shall be a superintendent of schools who shall  
3 be elected at the general election in each year the number of  
4 which is a multiple of four for a term of four years; or, when  
5 provided by resolution of the district school board, or by  
6 special law, approved by vote of the electors, the district  
7 school superintendent in any school district shall be employed  
8 by the district school board as provided by general law. The  
9 resolution or special law may be rescinded or repealed by  
10 either procedure after four years.

11           SECTION 6. State school fund.--The income derived from  
12 the state school fund shall, and the principal of the fund  
13 may, be appropriated, but only to the support and maintenance  
14 of free public schools.

15           SECTION 7. State University System.--

16           (a) PURPOSES. In order to achieve excellence through  
17 teaching students, advancing research and providing public  
18 service for the benefit of Florida's citizens, their  
19 communities and economies, the people hereby establish a  
20 system of governance for the state university system of  
21 Florida.

22           (b) STATE UNIVERSITY SYSTEM. There shall be a single  
23 state university system comprised of all public universities.  
24 A board of trustees shall administer each public university  
25 and a board of governors shall govern the state university  
26 system.

27           (c) LOCAL BOARDS OF TRUSTEES. Each local constituent  
28 university shall be administered by a board of trustees  
29 consisting of thirteen members dedicated to the purposes of  
30 the state university system. The board of governors shall  
31 establish the powers and duties of the boards of trustees.

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1 Each board of trustees shall consist of six citizen members  
 2 appointed by the governor and five citizen members appointed  
 3 by the board of governors. The appointed members shall be  
 4 confirmed by the senate and serve staggered terms of five  
 5 years as provided by law. The chair of the faculty senate, or  
 6 the equivalent, and the president of the student body of the  
 7 university shall also be members.

8 (d) STATEWIDE BOARD OF GOVERNORS. The board of  
 9 governors shall be a body corporate consisting of seventeen  
 10 members. The board shall operate, regulate, control, and be  
 11 fully responsible for the management of the whole university  
 12 system. These responsibilities shall include, but not be  
 13 limited to, defining the distinctive mission of each  
 14 constituent university and its articulation with free public  
 15 schools and community colleges, ensuring the well-planned  
 16 coordination and operation of the system, and avoiding  
 17 wasteful duplication of facilities or programs. The board's  
 18 management shall be subject to the powers of the legislature  
 19 to appropriate for the expenditure of funds, and the board  
 20 shall account for such expenditures as provided by law. The  
 21 governor shall appoint to the board fourteen citizens  
 22 dedicated to the purposes of the state university system. The  
 23 appointed members shall be confirmed by the senate and serve  
 24 staggered terms of seven years as provided by law. The  
 25 commissioner of education, the chair of the advisory council  
 26 of faculty senates, or the equivalent, and the president of  
 27 the Florida student association, or the equivalent, shall also  
 28 be members of the board.

29

30

ARTICLE X

31

MISCELLANEOUS

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SECTION 1. Amendments to United States Constitution.--The legislature shall not take action on any proposed amendment to the Constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.

SECTION 2. Militia.--

(a) The militia shall be composed of all able-bodied ~~able-bodied~~ inhabitants of the state who are or have declared their intention to become citizens of the United States, ~~+~~ and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

(b) The organizing, equipping, housing, maintaining, and disciplining of the militia, and the safekeeping of public arms may be provided for by law.

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the senate.

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to the appropriate United States Army or Air Force regulations and usages.

SECTION 3. Vacancy in office.--Vacancy in office shall occur upon the creation of an office, upon the death, removal from office, or resignation of the incumbent or the incumbent's succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the

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1 residence required when elected or appointed, and upon failure  
2 of one elected or appointed to office to qualify within thirty  
3 days from the commencement of the term.

4 SECTION 4. Homestead; exemptions.--

5 (a) There shall be exempt from forced sale under  
6 process of any court, and no judgment, decree, or execution  
7 shall be a lien thereon, except for the payment of taxes and  
8 assessments thereon, obligations contracted for the purchase,  
9 improvement, or repair thereof, or obligations contracted for  
10 house, field, or other labor performed on the realty, the  
11 following property owned by a natural person:

12 (1) A homestead, if located outside a municipality, to  
13 the extent of one hundred sixty acres of contiguous land and  
14 improvements thereon, which shall not be reduced without the  
15 owner's consent by reason of subsequent inclusion in a  
16 municipality; or if located within a municipality, to the  
17 extent of one-half acre of contiguous land, upon which the  
18 exemption shall be limited to the residence of the owner or  
19 the owner's family;

20 (2) Personal property to the value of one thousand  
21 dollars.

22 (b) These exemptions shall inure to the surviving  
23 spouse or heirs of the owner.

24 (c) The homestead shall not be subject to devise if  
25 the owner is survived by spouse or minor child, except the  
26 homestead may be devised to the owner's spouse if there be no  
27 minor child. The owner of homestead real estate, joined by the  
28 spouse if married, may alienate the homestead by mortgage,  
29 sale, or gift and, if married, may by deed transfer the title  
30 to an estate by the entirety with the spouse. If the owner or  
31 spouse is incompetent, the method of alienation or encumbrance

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1 shall be as provided by law.

2 SECTION 5. Coverture and property.--There shall be no  
3 distinction between married women and married men in the  
4 holding, control, disposition, or encumbering of their  
5 property, both real and personal; except that dower or curtesy  
6 may be established and regulated by law.

7 SECTION 6. Eminent domain.--

8 (a) No private property shall be taken except for a  
9 public purpose and with full compensation therefor paid to  
10 each owner or secured by deposit in the registry of the court  
11 and available to the owner.

12 (b) Provision may be made by law for the taking of  
13 easements, by like proceedings, for the drainage of the land  
14 of one person over or through the land of another.

15 SECTION 7. Lotteries.--Lotteries, other than the types  
16 of pari-mutuel pools authorized by law as of January 7, 1969  
17 ~~the effective date of this constitution~~, are hereby prohibited  
18 in this state.

19 SECTION 8. Census.--

20 (a) Each decennial census of the state taken by the  
21 United States shall be an official census of the state.

22 (b) Each decennial census, for the purpose of  
23 classifications based upon population, shall become effective  
24 on the thirtieth day after the final adjournment of the  
25 regular session of the legislature convened next after  
26 certification of the census.

27 SECTION 9. Repeal of criminal statutes.--Repeal or  
28 amendment of a criminal statute shall not affect prosecution  
29 or punishment for any crime previously committed.

30 SECTION 10. Felony; definition.--The term "felony<sub>L</sub>" as  
31 used herein and in the laws of this state<sub>L</sub> shall mean any



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1 criminal offense that is punishable under the laws of this  
2 state, or that would be punishable if committed in this state,  
3 by death or by imprisonment in the state penitentiary.

4 SECTION 11. Sovereignty lands.--The title to lands  
5 under navigable waters, within the boundaries of the state,  
6 which have not been alienated, including beaches below mean  
7 high water lines, is held by the state, by virtue of its  
8 sovereignty, in trust for all the people. Sale of such lands  
9 may be authorized by law, but only when in the public  
10 interest. Private use of portions of such lands may be  
11 authorized by law, but only when not contrary to the public  
12 interest.

13 SECTION 12. Rules of construction.--Unless qualified  
14 in the text, the following rules of construction shall apply  
15 to this constitution.

16 (a) "Herein" refers to the entire constitution.

17 (b) The singular includes the plural.

18 (c) The masculine includes the feminine.

19 (d) "Vote of the electors" means the vote of the  
20 majority of those voting on the matter in an election, general  
21 or special, in which those participating are limited to the  
22 electors of the governmental unit referred to in the text.

23 (e) Vote or other action of a legislative house or  
24 other governmental body means the vote or action of a majority  
25 or other specified percentage of those members voting on the  
26 matter. "Of the membership" means "of all members thereof."

27 (f) The terms "judicial office," "justices," and  
28 "judges" shall not include judges of courts established solely  
29 for the trial of violations of ordinances.

30 (g) "Special law" means a special or local law.

31 (h) Titles and subtitles shall not be used in

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1 construction.

2 SECTION 13. Suits against the state.--Provision may be  
3 made by general law for bringing suit against the state as to  
4 all liabilities now existing or hereafter originating.

5 SECTION 14. State retirement systems benefit  
6 changes.--A governmental unit responsible for any retirement  
7 or pension system supported in whole or in part by public  
8 funds shall not, after January 1, 1977, provide any increase  
9 in the benefits to the members or beneficiaries of such system  
10 unless such unit has made or concurrently makes provision for  
11 the funding of the increase in benefits on a sound actuarial  
12 basis.

13 SECTION 15. State operated lotteries.--

14 (a) Lotteries may be operated by the state.

15 (b) If any subsection or subsections of the amendment  
16 to the Florida Constitution are held unconstitutional for  
17 containing more than one subject, this amendment shall be  
18 limited to subsection (a) above.

19 (c) ~~This amendment shall be implemented as follows:~~

20 ~~(1) Schedule--On the effective date of this amendment,~~  
21 The lotteries shall be known as the Florida Education  
22 Lotteries. Net proceeds derived from the lotteries shall be  
23 deposited to a state trust fund, to be designated The State  
24 Education Lotteries Trust Fund, to be appropriated by the  
25 legislature. The schedule may be amended by general law.

26 SECTION 16. Limiting marine net fishing.--

27 (a) The marine resources of the State of Florida  
28 belong to all of the people of the state and should be  
29 conserved and managed for the benefit of the state, its  
30 people, and future generations. To this end, the people hereby  
31 enact limitations on marine net fishing in Florida waters to

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1 protect saltwater finfish, shellfish, and other marine animals  
2 from unnecessary killing, overfishing, and waste.

3 (b) For the purpose of catching or taking any  
4 saltwater finfish, shellfish, or other marine animals in  
5 Florida waters:

6 (1) No gill nets or other entangling nets shall be  
7 used in any Florida waters; and

8 (2) In addition to the prohibition set forth in  
9 paragraph (1), no other type of net containing more than 500  
10 square feet of mesh area shall be used in nearshore and  
11 inshore Florida waters. Additionally, no more than two such  
12 nets, which shall not be connected, shall be used from any  
13 vessel, and no person not on a vessel shall use more than one  
14 such net in nearshore and inshore Florida waters.

15 (c) For purposes of this section, the term:

16 (1) "Gill net" means one or more walls of netting  
17 which captures saltwater finfish by ensnaring or entangling  
18 them in the meshes of the net by the gills, and "entangling  
19 net" means a drift net, trammell net, stab net, or any other  
20 net which captures saltwater finfish, shellfish, or other  
21 marine animals by causing all or part of heads, fins, legs, or  
22 other body parts to become entangled or ensnared in the meshes  
23 of the net, but a hand-thrown ~~hand-thrown~~ cast net is not a  
24 gill net or an entangling net;

25 (2) "Mesh area" of a net means the total area of  
26 netting with the meshes open to comprise the maximum square  
27 footage. The square footage shall be calculated using standard  
28 mathematical formulas for geometric shapes. Seines and other  
29 rectangular nets shall be calculated using the maximum length  
30 and maximum width of the netting. Trawls and other bag type  
31 nets shall be calculated as a cone using the maximum

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1 circumference of the net mouth to derive the radius, and the  
 2 maximum length from the net mouth to the tail end of the net  
 3 to derive the slant height. Calculations for any other nets or  
 4 combination type nets shall be based on the shapes of the  
 5 individual components;

6 (3) "Coastline" means the territorial sea base line  
 7 for the State of Florida established pursuant to the laws of  
 8 the United States of America;

9 (4) "Florida waters" means the waters of the Atlantic  
 10 Ocean, the Gulf of Mexico, the Straits of Florida, and any  
 11 other bodies of water under the jurisdiction of the State of  
 12 Florida, whether coastal, intracoastal, or inland, and any  
 13 part thereof; and

14 (5) "Nearshore and inshore Florida waters" means all  
 15 Florida waters inside a line three miles seaward of the  
 16 coastline along the Gulf of Mexico and inside a line one mile  
 17 seaward of the coastline along the Atlantic Ocean.

18 (d) This section shall not apply to the use of nets  
 19 for scientific research or governmental purposes.

20 (e) Persons violating this section shall be prosecuted  
 21 and punished pursuant to the penalties provided in s. section  
 22 370.021(2)(a),(b),(c)6. and 7., and (e), Florida Statutes  
 23 (1991), unless and until the legislature enacts more stringent  
 24 penalties for violations hereof. ~~On and after the effective~~  
 25 ~~date of this section,~~ Law enforcement officers in the state  
 26 are authorized to enforce the provisions of this section in  
 27 the same manner and authority as if a violation of this  
 28 section constituted a violation of chapter 370, Florida  
 29 Statutes (1991).

30 (f) It is the intent of this section that implementing  
 31 legislation is not required for enforcing any violations

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1 hereof, but nothing in this section prohibits the  
2 establishment by law or pursuant to law of more restrictions  
3 on the use of nets for the purpose of catching or taking any  
4 saltwater finfish, shellfish, or other marine animals.

5 (g) If any portion of this section is held invalid for  
6 any reason, the remaining portion of this section, to the  
7 fullest extent possible, shall be severed from the void  
8 portion and given the fullest possible force and application.

9 ~~(h) This section shall take effect on the July 1 next~~  
10 ~~occurring after approval hereof by vote of the electors.~~

11 SECTION 17. Everglades Trust Fund.--

12 (a) There is hereby established the Everglades Trust  
13 Fund, which shall not be subject to termination pursuant to  
14 Article III, section 19(f). The purpose of the Everglades  
15 Trust Fund is to make funds available to assist in  
16 conservation and protection of natural resources and abatement  
17 of water pollution in the Everglades Protection Area and the  
18 Everglades Agricultural Area. The trust fund shall be  
19 administered by the South Florida Water Management District,  
20 or its successor agency, consistent with statutory law.

21 (b) The Everglades Trust Fund may receive funds from  
22 any source, including gifts from individuals, corporations, or  
23 other entities; funds from general revenue as determined by  
24 the legislature; and any other funds so designated by the  
25 legislature, by the United States Congress, or by any other  
26 governmental entity.

27 (c) Funds deposited to the Everglades Trust Fund shall  
28 be expended for purposes of conservation and protection of  
29 natural resources and abatement of water pollution in the  
30 Everglades Protection Area and Everglades Agricultural Area.

31 (d) For purposes of this section ~~subsection~~, the terms

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1 "Everglades Protection Area," "Everglades Agricultural Area,"  
2 and "South Florida Water Management District" shall have the  
3 meanings as defined in statutes in effect on January 1, 1996.

4 SECTION 18. Disposition of conservation lands.--The  
5 fee interest in real property held by an entity of the state  
6 and designated for natural resources conservation purposes as  
7 provided by general law shall be managed for the benefit of  
8 the citizens of this state and may be disposed of only if the  
9 members of the governing board of the entity holding title  
10 determine the property is no longer needed for conservation  
11 purposes and only upon a vote of two-thirds of the governing  
12 board.

13 ~~SECTION 19. High speed ground transportation~~  
14 ~~system.--To reduce traffic congestion and provide alternatives~~  
15 ~~to the traveling public, it is hereby declared to be in the~~  
16 ~~public interest that a high speed ground transportation system~~  
17 ~~consisting of a monorail, fixed guideway or magnetic~~  
18 ~~levitation system, capable of speeds in excess of 120 miles~~  
19 ~~per hour, be developed and operated in the State of Florida to~~  
20 ~~provide high speed ground transportation by innovative,~~  
21 ~~efficient and effective technologies consisting of dedicated~~  
22 ~~rails or guideways separated from motor vehicular traffic that~~  
23 ~~will link the five largest urban areas of the State as~~  
24 ~~determined by the Legislature and provide for access to~~  
25 ~~existing air and ground transportation facilities and~~  
26 ~~services. The Legislature, the Cabinet and the Governor are~~  
27 ~~hereby directed to proceed with the development of such a~~  
28 ~~system by the State and/or by a private entity pursuant to~~  
29 ~~state approval and authorization, including the acquisition of~~  
30 ~~right of way, the financing of design and construction of the~~  
31 ~~system, and the operation of the system, as provided by~~

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1 ~~specific appropriation and by law, with construction to begin~~  
2 ~~on or before November 1, 2003.~~

3 SECTION 19 ~~20~~. Workplaces without tobacco smoke.--

4 (a) PROHIBITION.--As a Florida health initiative to  
5 protect people from the health hazards of second-hand tobacco  
6 smoke, tobacco smoking is prohibited in enclosed indoor  
7 workplaces.

8 (b) EXCEPTIONS.--As further explained in the  
9 definitions below, tobacco smoking may be permitted in private  
10 residences whenever they are not being used commercially to  
11 provide child care, adult care, or health care, or any  
12 combination thereof; and further may be permitted in retail  
13 tobacco shops, designated smoking guest rooms at hotels and  
14 other public lodging establishments; and stand-alone bars.  
15 However, nothing in this section or in its implementing  
16 legislation or regulations shall prohibit the owner, lessee,  
17 or other person in control of the use of an enclosed indoor  
18 workplace from further prohibiting or limiting smoking  
19 therein.

20 (c) DEFINITIONS.--For purposes of this section, the  
21 following words and terms shall have the stated meanings:

22 (1) "Smoking" means inhaling, exhaling, burning,  
23 carrying, or possessing any lighted tobacco product, including  
24 cigarettes, cigars, pipe tobacco, and any other lighted  
25 tobacco product.

26 (2) "Second-hand smoke," also known as environmental  
27 tobacco smoke ~~(ETS)~~, means smoke emitted from lighted,  
28 smoldering, or burning tobacco when the smoker is not  
29 inhaling; smoke emitted at the mouthpiece during puff drawing;  
30 and smoke exhaled by the smoker.

31 (3) "Work" means any person's providing any employment

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1 or employment-type service for or at the request of another  
 2 individual or individuals or any public or private entity,  
 3 whether for compensation or not, whether full or part-time,  
 4 whether legally or not. "Work" includes, without limitation,  
 5 any such service performed by an employee, independent  
 6 contractor, agent, partner, proprietor, manager, officer,  
 7 director, apprentice, trainee, associate, servant, volunteer,  
 8 and the like.

9 (4) "Enclosed indoor workplace" means any place where  
 10 one or more persons engages in work, and which place is  
 11 predominantly or totally bounded on all sides and above by  
 12 physical barriers, regardless of whether such barriers consist  
 13 of or include uncovered openings, screened or otherwise  
 14 partially covered openings; or open or closed windows,  
 15 jalousies, doors, or the like. This section applies to all  
 16 such enclosed indoor workplaces without regard to whether work  
 17 is occurring at any given time.

18 (5) "Commercial" use of a private residence means any  
 19 time during which the owner, lessee, or other person occupying  
 20 or controlling the use of the private residence is furnishing  
 21 in the private residence, or causing or allowing to be  
 22 furnished in the private residence, child care, adult care, or  
 23 health care, or any combination thereof, and receiving or  
 24 expecting to receive compensation therefor.

25 (6) "Retail tobacco shop" means any enclosed indoor  
 26 workplace dedicated to or predominantly for the retail sale of  
 27 tobacco, tobacco products, and accessories for such products,  
 28 in which the sale of other products or services is merely  
 29 incidental.

30 (7) "Designated smoking guest rooms at public lodging  
 31 establishments" means the sleeping rooms and directly



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1 associated private areas, such as bathrooms, living rooms, and  
 2 kitchen areas, if any, rented to guests for their exclusive  
 3 transient occupancy in public lodging establishments including  
 4 hotels, motels, resort condominiums, transient apartments,  
 5 transient lodging establishments, rooming houses, boarding  
 6 houses, resort dwellings, bed and breakfast inns, and the  
 7 like; and designated by the person or persons having  
 8 management authority over such public lodging establishment as  
 9 rooms in which smoking may be permitted.

10 (8) "Stand-alone bar" means any place of business  
 11 devoted during any time of operation predominantly or totally  
 12 to serving alcoholic beverages, intoxicating beverages, or  
 13 intoxicating liquors, or any combination thereof, for  
 14 consumption on the licensed premises; in which the serving of  
 15 food, if any, is merely incidental to the consumption of any  
 16 such beverage; and that is not located within, and does not  
 17 share any common entryway or common indoor area with, any  
 18 other enclosed indoor workplace including any business for  
 19 which the sale of food or any other product or service is more  
 20 than an incidental source of gross revenue.

21 (d) LEGISLATION. ~~--In the next regular legislative~~  
 22 ~~session occurring after voter approval of this amendment,~~ The  
 23 Florida legislature shall adopt legislation to implement this  
 24 amendment in a manner consistent with its broad purpose and  
 25 stated terms, ~~and having an effective date no later than July~~  
 26 ~~1 of the year following voter approval.~~ Such legislation shall  
 27 include, without limitation, civil penalties for violations of  
 28 this section; provisions for administrative enforcement; and  
 29 the requirement and authorization of agency rules for  
 30 implementation and enforcement. Nothing herein shall preclude  
 31 the legislature from enacting any law constituting or allowing

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1 a more restrictive regulation of tobacco smoking than is  
2 provided in this section.

3 ~~SECTION 21. Limiting cruel and inhumane confinement of~~  
4 ~~pigs during pregnancy. Inhumane treatment of animals is a~~  
5 ~~concern of Florida citizens. To prevent cruelty to certain~~  
6 ~~animals and as recommended by The Humane Society of the United~~  
7 ~~States, the people of the State of Florida hereby limit the~~  
8 ~~cruel and inhumane confinement of pigs during pregnancy as~~  
9 ~~provided herein.~~

10 ~~(a) It shall be unlawful for any person to confine a~~  
11 ~~pig during pregnancy in an enclosure, or to tether a pig~~  
12 ~~during pregnancy, on a farm in such a way that she is~~  
13 ~~prevented from turning around freely.~~

14 ~~(b) This section shall not apply:~~

15 ~~(1) When a pig is undergoing an examination, test,~~  
16 ~~treatment or operation carried out for veterinary purposes,~~  
17 ~~provided the period during which the animal is confined or~~  
18 ~~tethered is not longer than reasonably necessary.~~

19 ~~(2) During the prebirthing period.~~

20 ~~(c) For purposes of this section:~~

21 ~~(1) "Enclosure" means any cage, crate or other~~  
22 ~~enclosure in which a pig is kept for all or the majority of~~  
23 ~~any day, including what is commonly described as the~~  
24 ~~"gestation crate."~~

25 ~~(2) "Farm" means the land, buildings, support~~  
26 ~~facilities, and other appurtenances used in the production of~~  
27 ~~animals for food or fiber.~~

28 ~~(3) "Person" means any natural person, corporation~~  
29 ~~and/or business entity.~~

30 ~~(4) "Pig" means any animal of the porcine species.~~

31 ~~(5) "Turning around freely" means turning around~~

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1 ~~without having to touch any side of the pig's enclosure.~~

2 ~~(6) "Prebirthing period" means the seven day period~~  
3 ~~prior to a pig's expected date of giving birth.~~

4 ~~(d) A person who violates this section shall be guilty~~  
5 ~~of a misdemeanor of the first degree, punishable as provided~~  
6 ~~in s. 775.082(4)(a), Florida Statutes (1999), as amended, or~~  
7 ~~by a fine of not more than \$5000, or by both imprisonment and~~  
8 ~~a fine, unless and until the legislature enacts more stringent~~  
9 ~~penalties for violations hereof. On and after the effective~~  
10 ~~date of this section, law enforcement officers in the state~~  
11 ~~are authorized to enforce the provisions of this section in~~  
12 ~~the same manner and authority as if a violation of this~~  
13 ~~section constituted a violation of Section 828.13, Florida~~  
14 ~~Statutes (1999). The confinement or tethering of each pig~~  
15 ~~shall constitute a separate offense. The knowledge or acts of~~  
16 ~~agents and employees of a person in regard to a pig owned,~~  
17 ~~farmed or in the custody of a person, shall be held to be the~~  
18 ~~knowledge or act of such person.~~

19 ~~(e) It is the intent of this section that implementing~~  
20 ~~legislation is not required for enforcing any violations~~  
21 ~~hereof.~~

22 ~~(f) If any portion of this section is held invalid for~~  
23 ~~any reason, the remaining portion of this section, to the~~  
24 ~~fullest extent possible, shall be severed from the void~~  
25 ~~portion and given the fullest possible force and application.~~

26 ~~(g) This section shall take effect six years after~~  
27 ~~approval by the electors.~~

28 SECTION 20 ~~22~~. Parental notice of termination of a  
29 minor's pregnancy.--The legislature shall not limit or deny  
30 the privacy right guaranteed to a minor under the United  
31 States Constitution as interpreted by the United States

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1 Supreme Court. Notwithstanding a minor's right of privacy  
 2 provided in Article I, section 23 ~~of Article I~~, the  
 3 legislature is authorized to require by general law for  
 4 notification to a parent or guardian of a minor before the  
 5 termination of the minor's pregnancy. The legislature shall  
 6 provide exceptions to such requirement for notification and  
 7 shall create a process for judicial waiver of the  
 8 notification.

9 SECTION 21 ~~23~~. Slot machines.--

10 (a) ~~After voter approval of this constitutional~~  
 11 ~~amendment~~, The governing bodies of Miami-Dade and Broward  
 12 Counties each may hold a countywide ~~county-wide~~ referendum in  
 13 their respective counties on whether to authorize slot  
 14 machines within existing, licensed pari-mutuel ~~parimutuel~~  
 15 facilities (thoroughbred and harness racing, greyhound racing,  
 16 and jai-alai) that have conducted live racing or games in that  
 17 county during ~~each of the last two~~ calendar years 2002 and  
 18 2003 ~~before the effective date of this amendment~~. If the  
 19 voters of such county approve the referendum question by  
 20 majority vote, slot machines shall be authorized in such  
 21 parimutuel facilities. If the voters of such county by  
 22 majority vote disapprove the referendum question, slot  
 23 machines shall not be so authorized, and the question shall  
 24 not be presented in another referendum in that county for at  
 25 least two years.

26 (b) ~~In the next regular Legislative session occurring~~  
 27 ~~after voter approval of this constitutional amendment~~, The  
 28 legislature shall adopt legislation implementing this section  
 29 ~~and having an effective date no later than July 1 of the year~~  
 30 ~~following voter approval of this amendment~~. Such legislation  
 31 shall authorize agency rules for implementation, and may

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1 include provisions for the licensure and regulation of slot  
2 machines. The legislature may tax slot machine revenues, and  
3 any such taxes must supplement public education funding  
4 statewide.

5 (c) If any part of this section is held invalid for  
6 any reason, the remaining portion or portions shall be severed  
7 from the invalid portion and given the fullest possible force  
8 and effect.

9 ~~(d) This amendment shall become effective when~~  
10 ~~approved by vote of the electors of the state.~~

11 SECTION 22 ~~24~~. Florida minimum wage.--

12 (a) PUBLIC POLICY. All working Floridians are  
13 entitled to be paid a minimum wage that is sufficient to  
14 provide a decent and healthy life for them and their families,  
15 that protects their employers from unfair low-wage  
16 competition, and that does not force them to rely on  
17 taxpayer-funded public services in order to avoid economic  
18 hardship.

19 (b) DEFINITIONS. As used in this amendment, the terms  
20 "Employer," "Employee" and "Wage" shall have the meanings  
21 established under the federal Fair Labor Standards Act (FLSA)  
22 and its implementing regulations.

23 (c) MINIMUM WAGE. Employers shall pay Employees Wages  
24 no less than the Minimum Wage for all hours worked in Florida.  
25 Six months after enactment, the Minimum Wage shall be  
26 established at an hourly rate of \$6.15. On September 30th of  
27 that year and on each following September 30th, the state  
28 Agency for Workforce Innovation shall calculate an adjusted  
29 Minimum Wage rate by increasing the current Minimum Wage rate  
30 by the rate of inflation during the twelve months prior to  
31 each September 1st using the consumer price index for urban

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1 wage earners and clerical workers, CPI-W, or a successor index  
 2 as calculated by the United States Department of Labor. Each  
 3 adjusted Minimum Wage rate calculated shall be published and  
 4 take effect on the following January 1st. For tipped Employees  
 5 meeting eligibility requirements for the tip credit under the  
 6 FLSA, Employers may credit towards satisfaction of the Minimum  
 7 Wage tips up to the amount of the allowable FLSA tip credit in  
 8 2003.

9 (d) RETALIATION PROHIBITED. It shall be unlawful for  
 10 an Employer or any other party to discriminate in any manner  
 11 or take adverse action against any person in retaliation for  
 12 exercising rights protected under this amendment. Rights  
 13 protected under this amendment include, but are not limited  
 14 to, the right to file a complaint or inform any person about  
 15 any party's alleged noncompliance with this amendment, and the  
 16 right to inform any person of his or her potential rights  
 17 under this amendment and to assist him or her in asserting  
 18 such rights.

19 (e) ENFORCEMENT. Persons aggrieved by a violation of  
 20 this amendment may bring a civil action in a court of  
 21 competent jurisdiction against an Employer or person violating  
 22 this amendment and, upon prevailing, shall recover the full  
 23 amount of any back wages unlawfully withheld plus the same  
 24 amount as liquidated damages, and shall be awarded reasonable  
 25 attorney's fees and costs. In addition, they shall be entitled  
 26 to such legal or equitable relief as may be appropriate to  
 27 remedy the violation including, without limitation,  
 28 reinstatement in employment and/or injunctive relief. Any  
 29 Employer or other person found liable for willfully violating  
 30 this amendment shall also be subject to a fine payable to the  
 31 state in the amount of \$1000.00 for each violation. The state

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1 attorney general or other official designated by the state  
 2 legislature may also bring a civil action to enforce this  
 3 amendment. Actions to enforce this amendment shall be subject  
 4 to a statute of limitations of four years or, in the case of  
 5 willful violations, five years. Such actions may be brought as  
 6 a class action pursuant to Rule 1.220 of the Florida Rules of  
 7 Civil Procedure.

8 (f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND  
 9 CONSTRUCTION. Implementing legislation is not required in  
 10 order to enforce this amendment. The state legislature may by  
 11 statute establish additional remedies or fines for violations  
 12 of this amendment, raise the applicable Minimum Wage rate,  
 13 reduce the tip credit, or extend coverage of the Minimum Wage  
 14 to employers or employees not covered by this amendment. The  
 15 state legislature may by statute or the state Agency for  
 16 Workforce Innovation may by regulation adopt any measures  
 17 appropriate for the implementation of this amendment. This  
 18 amendment provides for payment of a minimum wage and shall not  
 19 be construed to preempt or otherwise limit the authority of  
 20 the state legislature or any other public body to adopt or  
 21 enforce any other law, regulation, requirement, policy or  
 22 standard that provides for payment of higher or supplemental  
 23 wages or benefits, or that extends such protections to  
 24 employers or employees not covered by this amendment. It is  
 25 intended that case law, administrative interpretations, and  
 26 other guiding standards developed under the federal FLSA shall  
 27 guide the construction of this amendment and any implementing  
 28 statutes or regulations.

29 (g) SEVERABILITY. If any part of this amendment, or  
 30 the application of this amendment to any person or  
 31 circumstance, is held invalid, the remainder of this

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1 amendment, including the application of such part to other  
 2 persons or circumstances, shall not be affected by such a  
 3 holding and shall continue in full force and effect. To this  
 4 end, the parts of this amendment are severable.

5 SECTION 23 ~~25~~. Patients' right to know about adverse  
 6 medical incidents.--

7 (a) In addition to any other similar rights provided  
 8 herein or by general law, patients have a right to have access  
 9 to any records made or received in the course of business by a  
 10 health care facility or provider relating to any adverse  
 11 medical incident.

12 (b) In providing such access, the identity of patients  
 13 involved in the incidents shall not be disclosed, and any  
 14 privacy restrictions imposed by federal law shall be  
 15 maintained.

16 (c) For purposes of this section, the following terms  
 17 have the following meanings:

18 (1) The phrases "health care facility" and "health  
 19 care provider" have the meaning given in general law related  
 20 to a patient's rights and responsibilities.

21 (2) The term "patient" means an individual who has  
 22 sought, is seeking, is undergoing, or has undergone care or  
 23 treatment in a health care facility or by a health care  
 24 provider.

25 (3) The phrase "adverse medical incident" means  
 26 medical negligence, intentional misconduct, and any other act,  
 27 neglect, or default of a health care facility or health care  
 28 provider that caused or could have caused injury to or death  
 29 of a patient, including, but not limited to, those incidents  
 30 that are required by state or federal law to be reported to  
 31 any governmental agency or body, and incidents that are



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1 reported to or reviewed by any health care facility peer  
 2 review, risk management, quality assurance, credentials, or  
 3 similar committee, or any representative of any such  
 4 committees.

5 (4) The phrase "have access to any records" means, in  
 6 addition to any other procedure for producing such records  
 7 provided by general law, making the records available for  
 8 inspection and copying upon formal or informal request by the  
 9 patient or a representative of the patient, provided that  
 10 current records which have been made publicly available by  
 11 publication or on the Internet may be "provided" by reference  
 12 to the location at which the records are publicly available.

13 SECTION 24 ~~26~~. Prohibition of medical license after  
 14 repeated medical malpractice.--

15 (a) No person who has been found to have committed  
 16 three or more incidents of medical malpractice shall be  
 17 licensed or continue to be licensed by the State of Florida to  
 18 provide health care services as a medical doctor.

19 (b) For purposes of this section, the following terms  
 20 have the following meanings:

21 (1) The phrase "medical malpractice" means both the  
 22 failure to practice medicine in Florida with that level of  
 23 care, skill, and treatment recognized in general law related  
 24 to health care providers' licensure, and any similar wrongful  
 25 act, neglect, or default in other states or countries which,  
 26 if committed in Florida, would have been considered medical  
 27 malpractice.

28 (2) The phrase "found to have committed" means that  
 29 the malpractice has been found in a final judgment of a court  
 30 of law, final administrative agency decision, or decision of  
 31 binding arbitration.

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ARTICLE XI  
AMENDMENTS

SECTION 1. Proposal by legislature.--Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

SECTION 2. Revision commission.--

(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) The attorney general of the state;
- (2) Fifteen members selected by the governor;
- (3) Nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) Three members selected by the Chief Justice of the Supreme Court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public

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1 hearings, and, not later than one hundred eighty days prior to  
2 the next general election, file with the custodian of state  
3 records its proposal, if any, of a revision of this  
4 constitution or any part of it.

5 SECTION 3. Initiative.--The power to propose the  
6 revision or amendment of any portion or portions of this  
7 constitution by initiative is reserved to the people, provided  
8 that, any such revision or amendment, except for those  
9 limiting the power of government to raise revenue, shall  
10 embrace but one subject and matter directly connected  
11 therewith. It may be invoked by filing with the custodian of  
12 state records a petition containing a copy of the proposed  
13 revision or amendment, signed by a number of electors in each  
14 of one half of the congressional districts of the state, and  
15 of the state as a whole, equal to eight percent of the votes  
16 cast in each of such districts respectively and in the state  
17 as a whole in the last preceding election in which  
18 presidential electors were chosen.

19 SECTION 4. Constitutional convention.--

20 (a) The power to call a convention to consider a  
21 revision of the entire constitution is reserved to the people.  
22 It may be invoked by filing with the custodian of state  
23 records a petition, containing a declaration that a  
24 constitutional convention is desired, signed by a number of  
25 electors in each of one half of the congressional districts of  
26 the state, and of the state as a whole, equal to fifteen  
27 percent ~~per cent~~ of the votes cast in each such district  
28 respectively and in the state as a whole in the last preceding  
29 election of presidential electors.

30 (b) At the next general election held more than ninety  
31 days after the filing of such petition, there shall be

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1 submitted to the electors of the state the question: "Shall a  
2 constitutional convention be held?" If a majority voting on  
3 the question votes in the affirmative, at the next succeeding  
4 general election there shall be elected from each  
5 representative district a member of a constitutional  
6 convention. On the twenty-first day following that election,  
7 the convention shall sit at the capital, elect officers, adopt  
8 rules of procedure, judge the election of its membership, and  
9 fix a time and place for its future meetings. Not later than  
10 ninety days before the next succeeding general election, the  
11 convention shall cause to be filed with the custodian of state  
12 records any revision of this constitution proposed by it.

13 SECTION 5. Amendment or revision election.--

14 (a) A proposed amendment to or revision of this  
15 constitution, or any part of it, shall be submitted to the  
16 electors at the next general election held more than ninety  
17 days after the joint resolution or report of revision  
18 commission, constitutional convention, or taxation and budget  
19 reform commission proposing it is filed with the custodian of  
20 state records, unless, pursuant to law enacted by the  
21 affirmative vote of three-fourths of the membership of each  
22 house of the legislature and limited to a single amendment or  
23 revision, it is submitted at an earlier special election held  
24 more than ninety days after such filing.

25 (b) A proposed amendment or revision of this  
26 constitution, or any part of it, by initiative shall be  
27 submitted to the electors at the general election provided the  
28 initiative petition is filed with the custodian of state  
29 records no later than February 1 of the year in which the  
30 general election is held.

31 (c) The legislature shall provide by general law,

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1 prior to the holding of an election pursuant to this section,  
 2 for the provision of a statement to the public regarding the  
 3 probable financial impact of any amendment proposed by  
 4 initiative pursuant to section 3.

5 (d) Once in the tenth week, and once in the sixth week  
 6 immediately preceding the week in which the election is held,  
 7 the proposed amendment or revision, with notice of the date of  
 8 election at which it will be submitted to the electors, shall  
 9 be published in one newspaper of general circulation in each  
 10 county in which a newspaper is published.

11 (e) If the proposed amendment or revision is approved  
 12 by vote of the electors, it shall be effective as an amendment  
 13 to or revision of the constitution of the state on the first  
 14 Tuesday after the first Monday in January following the  
 15 election, or on such other date as may be specified in the  
 16 amendment or revision.

17 SECTION 6. Taxation and budget reform commission.--

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

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

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

28 (3) Four nonvoting ~~non-voting~~ ex officio members, all  
 29 of whom shall be members of the legislature at the time of  
 30 appointment. Two of these members, one of whom shall be a  
 31 member of the minority party in the house of representatives,

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1 shall be selected by the speaker of the house of  
2 representatives, and two of these members, one of whom shall  
3 be a member of the minority party in the senate, shall be  
4 selected by the president of the senate.

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

8 (c) At its initial meeting, the members of the  
9 commission shall elect a member who is not a member of the  
10 legislature to serve as chair and the commission shall adopt  
11 its rules of procedure. Thereafter, the commission shall  
12 convene at the call of the chair. An affirmative vote of two  
13 thirds of the full commission shall be necessary for any  
14 revision of this constitution or any part of it to be proposed  
15 by the commission.

16 (d) The commission shall examine the state budgetary  
17 process, the revenue needs and expenditure processes of the  
18 state, the appropriateness of the tax structure of the state,  
19 and governmental productivity and efficiency; review policy as  
20 it relates to the ability of state and local government to tax  
21 and adequately fund governmental operations and capital  
22 facilities required to meet the state's needs during the next  
23 twenty year period; determine methods favored by the citizens  
24 of the state to fund the needs of the state, including  
25 alternative methods for raising sufficient revenues for the  
26 needs of the state; determine measures that could be  
27 instituted to effectively gather funds from existing tax  
28 sources; examine constitutional limitations on taxation and  
29 expenditures at the state and local level; and review the  
30 state's comprehensive planning, budgeting, and needs  
31 assessment processes to determine whether the resulting

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1 information adequately supports a strategic decisionmaking  
 2 process.

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

15 SECTION 7. Tax or fee limitation.--Notwithstanding  
 16 Article X, section 12(d) ~~of this constitution~~, no new state  
 17 tax or fee shall be imposed on or after November 8, 1994, by  
 18 any amendment to this constitution unless the proposed  
 19 amendment is approved by not fewer than two-thirds of the  
 20 voters voting in the election in which such proposed amendment  
 21 is considered. For purposes of this section, the phrase "new  
 22 state tax or fee" shall mean any tax or fee that ~~which~~ would  
 23 produce revenue subject to lump sum or other appropriation by  
 24 the legislature, either for the state general revenue fund or  
 25 any trust fund, which tax or fee is not in effect on November  
 26 7, 1994, including without limitation such taxes and fees as  
 27 are the subject of proposed constitutional amendments  
 28 appearing on the ballot on November 8, 1994. This section  
 29 shall apply to proposed constitutional amendments relating to  
 30 state taxes or fees that ~~which~~ appear on the November 8, 1994,  
 31 ballot, or later ballots, and any such proposed amendment that

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1 ~~which~~ fails to gain the two-thirds vote required hereby shall  
2 be null, void, and without effect.

4 ARTICLE XII

5 SCHEDULE

6 SECTION 1. Constitution of 1885 superseded.--Articles  
7 I through IV, VII, and IX through XX of the Constitution of  
8 Florida adopted in 1885, as amended from time to time, are  
9 superseded by this revision except those sections expressly  
10 retained and made a part of this revision by reference.

11 SECTION 2. Property taxes; millages.--Tax millages  
12 authorized in counties, municipalities, and special districts,  
13 on the date this revision becomes effective, may be continued  
14 until reduced by law.

15 ~~SECTION 3. Officers to continue in office.--Every~~  
16 ~~person holding office when this revision becomes effective~~  
17 ~~shall continue in office for the remainder of the term if that~~  
18 ~~office is not abolished. If the office is abolished the~~  
19 ~~incumbent shall be paid adequate compensation, to be fixed by~~  
20 ~~law, for the loss of emoluments for the remainder of the term.~~

21 ~~SECTION 4. State commissioner of education.--The state~~  
22 ~~superintendent of public instruction in office on the~~  
23 ~~effective date of this revision shall become and, for the~~  
24 ~~remainder of the term being served, shall be the commissioner~~  
25 ~~of education.~~

26 SECTION 3 5. Superintendent of schools.--

27 (a) ~~On the effective date of this revision the county~~  
28 ~~superintendent of public instruction of each county shall~~  
29 ~~become and, for the remainder of the term being served, shall~~  
30 ~~be the superintendent of schools of that district.~~

31 (b) The method of selection of the county



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1 superintendent of public instruction of each county, as  
2 provided by or under the constitution of 1885, as amended,  
3 shall apply to the selection of the district superintendent of  
4 schools until changed as herein provided.

5 SECTION 4 6. Laws preserved.--

6 (a) All laws in effect upon the adoption of this  
7 revision, to the extent not inconsistent with it, shall remain  
8 in force until they expire by their terms or are repealed.

9 (b) All statutes that ~~which~~, under the constitution of  
10 1885, as amended, apply to the state superintendent of public  
11 instruction and those that ~~which~~ apply to the county  
12 superintendent of public instruction shall under this revision  
13 apply, respectively, to the state commissioner of education  
14 and the district superintendent of schools.

15 SECTION 5 7. Rights reserved.--

16 (a) All actions, rights of action, claims, contracts,  
17 and obligations of individuals, corporations, and public  
18 bodies or agencies existing on the date this revision becomes  
19 effective shall continue to be valid as if this revision had  
20 not been adopted. All taxes, penalties, fines and forfeitures  
21 owing to the state under the constitution of 1885, as amended,  
22 shall inure to the state under this revision, and all  
23 sentences as punishment for crime shall be executed according  
24 to their terms.

25 (b) This revision shall not be retroactive so as to  
26 create any right or liability that ~~which~~ did not exist under  
27 the constitution of 1885, as amended, based upon matters  
28 occurring prior to the adoption of this revision.

29 SECTION 6 8. Public debts recognized.--All bonds,  
30 revenue certificates, revenue bonds, and tax anticipation  
31 certificates issued pursuant to the constitution of 1885, as

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1 amended by the state, any agency, political subdivision, or  
 2 public corporation of the state shall remain in full force and  
 3 effect and shall be secured by the same sources of revenue as  
 4 before the adoption of this revision, and, to the extent  
 5 necessary to effectuate this section, the applicable  
 6 provisions of the constitution of 1885, as amended, are  
 7 retained as a part of this revision until payment in full of  
 8 these public securities.

9 SECTION 7 ~~9~~. Bonds.--

10 (a) ADDITIONAL SECURITIES.--

11 (1) Article IX, section 17, of the constitution of  
 12 1885, as amended, as it existed immediately before this  
 13 Constitution, as revised in 1968, became effective, is adopted  
 14 by this reference as a part of this revision as completely as  
 15 though incorporated herein verbatim, except revenue bonds,  
 16 revenue certificates, or other evidences of indebtedness  
 17 hereafter issued thereunder may be issued by the agency of the  
 18 state so authorized by law.

19 (2)a. That portion of Article XII, section 7(a), ~~9~~,  
 20 ~~Subsection (a)~~ of this Constitution, as amended, which by  
 21 reference adopted Article XII, section 19, of the constitution  
 22 of 1885, as amended, as the same existed immediately before  
 23 the effective date of this amendment is adopted by this  
 24 reference as part of this revision as completely as though  
 25 incorporated herein verbatim, for the purpose of providing  
 26 that after the effective date of this amendment all of the  
 27 proceeds of the revenues derived from the gross receipts  
 28 taxes, as therein defined, collected in each year shall be  
 29 applied as provided therein to the extent necessary to comply  
 30 with all obligations to or for the benefit of holders of bonds  
 31 or certificates issued before the effective date of this

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1 amendment or any refundings thereof that ~~which~~ are secured by  
 2 such gross receipts taxes. No bonds or other obligations may  
 3 be issued pursuant to the provisions of Article XII, section  
 4 19, of the constitution of 1885, as amended, but this  
 5 provision shall not be construed to prevent the refunding of  
 6 any such outstanding bonds or obligations pursuant to the  
 7 provisions of this paragraph ~~subsection (a)(2)~~.

8 b. Subject to the requirements of subparagraph a. ~~the~~  
 9 ~~first paragraph of this subsection (a)(2)~~, beginning July 1,  
 10 1975, all of the proceeds of the revenues derived from the  
 11 gross receipts taxes collected from every person, including  
 12 municipalities, as provided and levied pursuant to the  
 13 provisions of chapter 203, Florida Statutes, as such chapter  
 14 is amended from time to time, shall, as collected, be placed  
 15 in a trust fund to be known as the "public education capital  
 16 outlay and debt service trust fund" in the state treasury  
 17 (hereinafter referred to as "capital outlay fund"), and used  
 18 only as provided herein.

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

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1 or its predecessor created by the constitution of 1885, as  
2 amended.

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

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

30       f. The moneys in the capital outlay fund in each  
31 fiscal year shall be used only for the following purposes and

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1 in the following order of priority:

2           ~~1.a.~~ For the payment of the principal of and interest  
3 on any bonds due in such fiscal year;

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

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

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

25           (c) MOTOR VEHICLE FUEL TAXES.--

26           (1) A state tax, designated "second gas tax," of two  
27 cents per gallon upon gasoline and other like products of  
28 petroleum and an equivalent tax upon other sources of energy  
29 used to propel motor vehicles as levied by Article IX, section  
30 16, of the constitution of 1885, as amended, is hereby  
31 continued. The proceeds of said tax shall be placed monthly in

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1 the state roads distribution fund in the state treasury.

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

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

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

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

10 (5) Funds allocated under paragraphs (2) and (4) ~~of~~  
 11 ~~this subsection~~ shall be administered by the state board of  
 12 administration created under Article IV, section 4. The board  
 13 shall remit the proceeds of the "second gas tax" in each  
 14 county account for use in said county as follows: eighty  
 15 percent ~~per cent~~ to the state agency supervising the state  
 16 road system and twenty percent ~~per cent~~ to the governing body  
 17 of the county. The percentage allocated to the county may be  
 18 increased by general law. The proceeds of the "second gas tax"  
 19 subject to allocation to the several counties under this  
 20 paragraph ~~(5)~~ shall be used first, for the payment of  
 21 obligations pledging revenues allocated pursuant to Article  
 22 IX, section 16, of the constitution of 1885, as amended, and  
 23 any refundings thereof; second, for the payment of debt  
 24 service on bonds issued as provided by this paragraph (5) to  
 25 finance the acquisition and construction of roads as defined  
 26 by law; and third, for the acquisition and construction of  
 27 roads and for road maintenance as authorized by law. When  
 28 authorized by law, state bonds pledging the full faith and  
 29 credit of the state may be issued without any election to:

30 a. ~~(i) to~~ Refund obligations secured by any portion of  
 31 the "second gas tax" allocated to a county under Article IX,

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1 section 16, of the constitution of 1885, as amended, ~~+~~

2 b. ~~(ii) to~~ Finance the acquisition and construction of  
3 roads in a county when approved by the governing body of the  
4 county and the state agency supervising the state road  
5 system. ~~+~~

6 c. ~~and (iii) to~~ Refund obligations secured by any  
7 portion of the "second gas tax" allocated under paragraph  
8 ~~9(c)~~(4).  
9

10 No such bonds shall be issued unless a state fiscal agency  
11 created by law has made a determination that in no state  
12 fiscal year will the debt service requirements of the bonds  
13 and all other bonds secured by the pledged portion of the  
14 "second gas tax" allocated to the county exceed seventy-five  
15 percent ~~per cent~~ of the pledged portion of the "second gas  
16 tax" allocated to that county for the preceding state fiscal  
17 year, of the pledged net tolls from existing facilities  
18 collected in the preceding state fiscal year, and of the  
19 annual average net tolls anticipated during the first five  
20 state fiscal years of operation of new projects to be  
21 financed, and of any other legally available pledged revenues  
22 collected in the preceding state fiscal year. Bonds issued  
23 pursuant to this subsection shall be payable primarily from  
24 the pledged tolls, the pledged portions of the "second gas  
25 tax" allocated to that county, and any other pledged revenue,  
26 and shall mature not later than forty years from the date of  
27 issuance.

28 (d) SCHOOL BONDS. --

29 (1) Article XII, section 7(d), ~~9, Subsection (d)~~ of  
30 this constitution, as amended, (which, by reference, adopted  
31 Article XII, section 18, of the constitution of 1885, as



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

19 (2) No funds anticipated to be distributed annually  
 20 among the several counties under the formula stated in Article  
 21 XII, section 7(d), ~~9, Subsection (d)~~ of this constitution, as  
 22 amended, as the same existed immediately before the effective  
 23 date of this amendment shall be pledged as security for any  
 24 obligations hereafter issued or entered into, except that any  
 25 outstanding obligations previously issued pledging such funds  
 26 may be refunded by the issuance of refunding bonds.

27 (3) Subject to the requirements of paragraph (d)(1)  
 28 ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973,  
 29 the first proceeds of the revenues derived from the licensing  
 30 of motor vehicles (hereinafter called "motor vehicle license  
 31 revenues") to the extent necessary to comply with the

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

30        ~~a.(1)~~ The number of instruction units in each school  
 31 district for the school fiscal year 1967-68 or community

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1 college district for the school fiscal year 1968-69 computed  
2 in the manner heretofore provided by general law; ~~or~~

3 b.(2) The number of instruction units in such school  
4 district, including growth units, or community college  
5 district for the school fiscal year computed in the manner  
6 heretofore or hereafter provided by general law and approved  
7 by the state board of education (hereinafter called the state  
8 board);~~;~~ or

9 c.(3) The number of instruction units in each school  
10 district, including growth units, or community college  
11 district on behalf of which the state board has issued bonds  
12 or motor vehicle license revenue anticipation certificates  
13 under this amendment that ~~which~~ will produce sufficient  
14 revenues under this amendment to equal one and  
15 twelve-hundredths (1.12) times the aggregate amount of  
16 principal of and interest on all bonds or motor vehicle  
17 license revenue anticipation certificates issued under this  
18 amendment that ~~which~~ will mature and become due in such year,  
19 computed in the manner heretofore or hereafter provided by  
20 general law and approved by the state board.

21 (4) Such funds so distributed shall be administered by  
22 the state board as now created and constituted by Article IX,  
23 section 2, ~~of Article IX of this the State constitution as~~  
24 ~~revised in 1968,~~ or by such other instrumentality of the state  
25 that ~~which~~ shall hereafter succeed by law to the powers,  
26 duties, and functions of the state board, including the  
27 powers, duties, and functions of the state board provided in  
28 this amendment. For the purposes of this amendment, said state  
29 board shall be a body corporate and shall have all the powers  
30 provided in this amendment in addition to all other

31 constitutional and statutory powers related to the purposes of

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1 this amendment heretofore or hereafter conferred upon said  
2 state board.

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

28 (6) The state board shall also have power to pledge  
29 for the payment of the principal of and interest on such bonds  
30 or motor vehicle license revenue anticipation certificates,  
31 including refunding bonds or refunding motor vehicle license

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1 revenue anticipation certificates, all or any part from the  
 2 motor vehicle license revenues provided for in this amendment  
 3 and to enter into any covenants and other agreements with the  
 4 holders of such bonds or motor vehicle license revenue  
 5 anticipation certificates at the time of the issuance thereof  
 6 concerning the security thereof and the rights of the holders  
 7 thereof, all of which covenants and agreements shall  
 8 constitute legally binding and irrevocable contracts with such  
 9 holders and shall be fully enforceable by such holders in any  
 10 court of competent jurisdiction.

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

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1 school district or board of trustees of the community college  
 2 district requesting the issuance thereof, and no election or  
 3 approval of qualified electors shall be required for the  
 4 issuance thereof.

5 (8) The state board shall in each year use the funds  
 6 distributable pursuant to this amendment to the credit of each  
 7 school district or community college district only in the  
 8 following manner and in order of priority:

9 a. To comply with the requirements of paragraph (d)(1)  
 10 ~~paragraph (1) of this subsection (d).~~

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

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

31 d. To distribute annually to the several school boards

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

29 e. To pay the expenses of the state board in  
30 administering this subsection ~~(d)~~, which shall be prorated  
31 among the various school districts and community college

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1 districts and paid out of the proceeds of the bonds or motor  
 2 vehicle license revenue anticipation certificates or from the  
 3 funds distributable to each school district and community  
 4 college district on the same basis as such motor vehicle  
 5 license revenues are distributable to the various school  
 6 districts and community college districts.

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

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

27           (9) Capital outlay projects of a school district or  
 28 community college district shall be eligible to participate in  
 29 the funds accruing under this amendment and derived from the  
 30 proceeds of bonds and motor vehicle license revenue  
 31 anticipation certificates and from the motor vehicle license



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1 revenues, only in the order of priority of needs, as shown by  
2 a survey or surveys conducted in the school district or  
3 community college district under regulations prescribed by the  
4 state board, to determine the capital outlay needs of the  
5 school district or community college district and approved by  
6 the state board; provided that the priority of such projects  
7 may be changed from time to time upon the request of the  
8 school board of the school district or board of trustees of  
9 the community college district and with the approval of the  
10 state board; and provided, further, that this paragraph ~~(9)~~  
11 shall not in any manner affect any covenant, agreement, or  
12 pledge made by the state board in the issuance by said state  
13 board of any bonds or motor vehicle license revenue  
14 anticipation certificates, or in connection with the issuance  
15 of any bonds of any school board of any school district or  
16 board of trustees of any community college district.

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

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1 certificates issued pursuant to this amendment or impairing or  
 2 altering any covenant or agreement of the state board, as  
 3 provided in such bonds or motor vehicle license revenue  
 4 anticipation certificates.

5 (11) Bonds issued by the state board pursuant to this  
 6 subsection ~~(d)~~ shall be payable primarily from said motor  
 7 vehicle license revenues as provided herein, and if heretofore  
 8 or hereafter authorized by law, may be additionally secured by  
 9 pledging the full faith and credit of the state without an  
 10 election. When heretofore or hereafter authorized by law,  
 11 bonds issued pursuant to Article XII, section 18, of the  
 12 constitution of 1885, as amended prior to 1968, and bonds  
 13 issued pursuant to Article XII, section 7(d), ~~9, subsection~~  
 14 ~~(d)~~ of this the constitution ~~as revised in 1968~~, and bonds  
 15 issued pursuant to this subsection ~~(d)~~, may be refunded by the  
 16 issuance of bonds additionally secured by the full faith and  
 17 credit of the state.

18 (e) DEBT LIMITATION.--Bonds issued pursuant to this  
 19 section ~~9~~ of Article XII that ~~which~~ are payable primarily from  
 20 revenues pledged pursuant to this section shall not be  
 21 included in applying the limits upon the amount of state bonds  
 22 contained in Section 11, Article VII, of this revision.

23 SECTION ~~8~~ 10. Preservation of constitutional  
 24 provisions as statutes.--

25 (a) Article X, Section 21 of the State Constitution as  
 26 it existed on November 6, 2006, shall become a statute subject  
 27 to modification or repeal as are other statutes.

28 (b) The Division of Statutory Revision shall codify a  
 29 provision made statutory law by subsection (a) in the manner  
 30 described in s. 11.242, Florida Statutes (2005). The Division  
 31 of Statutory Revision may make alterations to a provision

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1 described in subsection (a) to reflect its status as statutory  
2 law, but the effect of the provision must be preserved.

3 ~~Preservation of existing government. All provisions of~~  
4 ~~Articles I through IV, VII and IX through XX of the~~  
5 ~~Constitution of 1885, as amended, not embraced herein which~~  
6 ~~are not inconsistent with this revision shall become statutes~~  
7 ~~subject to modification or repeal as are other statutes.~~

8 SECTION 9 ~~11~~. Deletion of obsolete schedule  
9 items.--The legislature shall have power, by joint resolution,  
10 to delete from this article ~~revision~~ any section ~~of this~~  
11 ~~Article XII~~, including this section, when all events to which  
12 the section to be deleted is or could become applicable have  
13 occurred. A legislative determination of fact made as a basis  
14 for application of this section shall be subject to judicial  
15 review.

16 SECTION 10 ~~12~~. Senators.--The requirements of  
17 staggered terms of senators in Article III, section 15(a), ~~of~~  
18 ~~Article III of this revision~~ shall apply only to senators  
19 elected in November, 1972, and thereafter.

20 SECTION 11 ~~13~~. Legislative apportionment.--The  
21 requirements of legislative apportionment in Article III,  
22 section 16, ~~of Article III of this revision~~ shall apply only  
23 to the apportionment of the legislature following the  
24 decennial census of 1970, and thereafter.

25 SECTION 12 ~~14~~. Representatives; terms.--The  
26 legislature at its first regular session following the  
27 ratification of this revision, by joint resolution, shall  
28 propose to the electors of the state for ratification or  
29 rejection in the general election of 1970 an amendment to  
30 Article III, section 15(b), ~~of the constitution~~ providing  
31 staggered terms of four years for members of the house of

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1 representatives.

2 SECTION 13 ~~15~~. Special district taxes.--Ad valorem  
3 taxing power vested by law in special districts existing when  
4 this revision becomes effective shall not be abrogated by  
5 Article VII, section 9(b) ~~of Article VII herein~~, but such  
6 powers, except to the extent necessary to pay outstanding  
7 debts, may be restricted or withdrawn by law.

8 ~~SECTION 16. Reorganization.--The requirement of~~  
9 ~~Section 6, Article IV of this revision shall not apply until~~  
10 ~~July 1, 1969.~~

11 SECTION 14 ~~17~~. Conflicting provisions.--This schedule  
12 is designed to effect the orderly transition of government  
13 from the constitution of 1885, as amended, to this revision  
14 and shall control in all cases of conflict with any part of  
15 Article I through IV, VII, and IX through XI herein.

16 ~~SECTION 18. Bonds for housing and related~~  
17 ~~facilities.--Section 16 of Article VII, providing for bonds~~  
18 ~~for housing and related facilities, shall take effect upon~~  
19 ~~approval by the electors.~~

20 ~~SECTION 19. Renewable energy source property.--The~~  
21 ~~amendment to Section 3 of Article VII, relating to an~~  
22 ~~exemption for a renewable energy source device and real~~  
23 ~~property on which such device is installed, if adopted at the~~  
24 ~~special election in October 1980, shall take effect January 1,~~  
25 ~~1981.~~

26 ~~SECTION 20. Access to public records.--Section 24 of~~  
27 ~~Article I, relating to access to public records, shall take~~  
28 ~~effect July 1, 1993.~~

29 SECTION 15 ~~21~~. State revenue limitation.--The  
30 amendment to Article VII, section 1, ~~of Article VII~~ limiting  
31 state revenues shall take effect January 1, 1995, and shall

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1 first be applicable to state fiscal year 1995-1996.

2 SECTION 16 ~~22~~. Historic property exemption and  
3 assessment.--The amendments to Article VII, Sections 3 and 4,  
4 ~~of Article VII~~ relating to ad valorem tax exemption for, and  
5 assessment of, historic property shall take effect January 1,  
6 1999.

7 SECTION 17 ~~23~~. Fish and wildlife conservation  
8 commission.--

9 (a) The initial members of the commission shall be the  
10 members of the game and fresh water fish commission and the  
11 marine fisheries commission who are serving on those  
12 commissions on the effective date of this amendment, who may  
13 serve the remainder of their respective terms. New  
14 appointments to the commission shall not be made until the  
15 retirement, resignation, removal, or expiration of the terms  
16 of the initial members results in fewer than seven members  
17 remaining.

18 (b) The jurisdiction of the marine fisheries  
19 commission as set forth in statutes in effect on March 1,  
20 1998, shall be transferred to the fish and wildlife  
21 conservation commission. The jurisdiction of the marine  
22 fisheries commission transferred to the commission shall not  
23 be expanded except as provided by general law. All rules of  
24 the marine fisheries commission and game and fresh water fish  
25 commission in effect on the effective date of this amendment  
26 shall become rules of the fish and wildlife conservation  
27 commission until superseded or amended by the commission.

28 (c) On the effective date of this amendment, the  
29 marine fisheries commission and game and fresh water fish  
30 commission shall be abolished.

31 (d) This amendment shall take effect July 1, 1999.

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1 SECTION 18 ~~24~~. Executive branch reform.--

2 (a) The amendments contained in this revision shall  
3 take effect January 7, 2003, but shall govern with respect to  
4 the qualifying for and the holding of primary elections in  
5 2002. The office of chief financial officer shall be a new  
6 office as a result of this revision.

7 (b) In the event the secretary of state is removed as  
8 a cabinet office in the 1998 general election, the term  
9 "custodian of state records" shall be substituted for the term  
10 "secretary of state" throughout this ~~the~~ constitution and the  
11 duties previously performed by the secretary of state shall be  
12 as provided by law.

13 ~~SECTION 25. Schedule to Article V amendment.--~~

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

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

21 BE IT FURTHER RESOLVED that the following statement be  
22 placed on the ballot:

23 CONSTITUTIONAL AMENDMENT AND REVISIONS

24 ARTICLE X, SECTION 21

25 CRUEL AND INHUMANE CONFINEMENT OF PREGNANT

26 PIGS.--Proposing an amendment to the State Constitution to  
27 remove from the constitution and transfer to the Florida  
28 Statutes the provision that makes it unlawful to confine a pig  
29 during pregnancy in such a way that the pig is prevented from  
30 turning around freely.

31 MULTIPLE ARTICLES

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1           OBSOLETE AND ERRONEOUS PROVISIONS.--Proposing revisions  
2 to multiple articles of the State Constitution to delete  
3 obsolete provisions and to correct grammar errors and  
4 inconsistencies in wording.

5  
6

7 ===== T I T L E   A M E N D M E N T =====

8 And the title is amended as follows:

9           Delete everything before the resolving clause

10

11 and insert:

12

Senate Joint Resolution

13

A joint resolution proposing the revision of  
14 the whole State Constitution to correct  
15 spelling errors, punctuation errors,  
16 inconsistent use of capitalization, and other  
17 technical issues; to repeal obsolete  
18 provisions; to repeal Section 21 of Article X,  
19 which pertains to the confinement of pregnant  
20 pigs; and to provide for the codification of  
21 Section 21 of Article X as a statute.

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