

By the Committee on Judiciary

590-2355-06

Senate Joint Resolution

A joint resolution proposing the revision of the whole State Constitution to correct spelling errors, punctuation errors, inconsistent use of capitalization, and other technical issues; to repeal obsolete provisions; to repeal portions of Article VI, section 4, which provide for term limits on certain federal officeholders and which have been held to be unconstitutional; to repeal Article X, section 1, which pertains to the ratification of amendments to the U.S. Constitution and has been held to be unconstitutional; to repeal Article X, section 5, which pertains to the property rights of married persons and authorizes dower and curtesy to be established by law; to repeal Article I, section 26, which pertains to a claimant's right to compensation in medical liability claims, and to provide for its codification as a statute; to repeal Article X, section 21, which pertains to the confinement of pregnant pigs, and to provide for its codification as a statute; to repeal Article X, section 25, which pertains to a patient's right to know about adverse medical incidents, and to provide for its codification as a statute; to repeal Article X, section 26, which pertains to a prohibition on having a medical license after repeated medical malpractice, and to provide for its codification as a statute; to prohibit

1 the modification, repeal, or acts inconsistent
2 with constitutional provisions codified as
3 statutes, except upon a supermajority vote of
4 both houses of the Legislature for a certain
5 period of time; to correct the date by which
6 the Taxation and Budget Reform Commission must
7 file proposed constitutional amendments with
8 the custodian of state records; and to provide
9 for the incorporation of amendments adopted
10 during the 2006 general election.

11
12 Be It Resolved by the Legislature of the State of Florida:

13
14 That the following revision to the State Constitution
15 is agreed to and shall be submitted to the electors of this
16 state for approval or rejection at the next general election
17 or at an earlier special election specifically authorized by
18 law for that purpose:

19
20 PREAMBLE

21
22 We, the people of the State of Florida, being grateful
23 to Almighty God for our constitutional liberty, in order to
24 secure its benefits, perfect our government, ensure ~~insure~~
25 domestic tranquility, maintain public order, and guarantee
26 equal civil and political rights to all, do ordain and
27 establish this constitution.

28
29 ARTICLE I

30 DECLARATION OF RIGHTS

31

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

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

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

24 SECTION 4. Freedom of speech and press.--Every person
25 may speak, write, and publish sentiments on all subjects but
26 shall be responsible for the abuse of that right. No law shall
27 be passed to restrain or abridge the liberty of speech or of
28 the press. In all criminal prosecutions and civil actions for
29 defamation, the truth may be given in evidence. If the matter
30 charged as defamatory is true and was published with good
31 motives, the party shall be acquitted or exonerated.

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

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

10 SECTION 7. Military power.--The military power shall
11 be subordinate to the civil.

12 SECTION 8. Right to bear arms.--

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

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

26 (c) The legislature shall enact legislation
27 implementing subsection (b) ~~of this section, effective no~~
28 ~~later than December 31, 1991~~, which shall provide that anyone
29 violating the provisions of subsection (b) commits ~~shall be~~
30 ~~guilty of~~ a felony.

31

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

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

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

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

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

29 SECTION 13. Habeas corpus.--The writ of habeas corpus
30 shall be grantable of right, freely and without cost. It shall
31 be returnable without delay, and shall never be suspended

1 unless, in case of rebellion or invasion, suspension is
2 essential to the public safety.

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

13 SECTION 15. Prosecution for crime; offenses committed
14 by children.--

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

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

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

30 (a) In all criminal prosecutions the accused shall,
31 upon demand, be informed of the nature and cause of the

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

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

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

1 legislature, and a change in any method of execution may be
2 applied retroactively. A sentence of death shall not be
3 reduced on the basis that a method of execution is invalid. In
4 any case in which an execution method is declared invalid, the
5 death sentence shall remain in force until the sentence can be
6 lawfully executed by any valid method. This section shall
7 apply retroactively.

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

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

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

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

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

29 SECTION 23. Right of privacy.--Every natural person
30 has the right to be let alone and free from governmental
31 intrusion into the person's private life except as otherwise

1 provided herein. This section shall not be construed to limit
2 the public's right of access to public records and meetings as
3 provided by law.

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

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

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

26 (c) This section shall be self-executing. The
27 legislature, however, may provide by general law passed by a
28 two-thirds vote of each house for the exemption of records
29 from the requirements of subsection (a) and the exemption of
30 meetings from the requirements of subsection (b), provided
31 that such law shall state with specificity the public

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

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

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

26 ~~SECTION 26. Claimant's right to fair compensation.~~

27 ~~(a) Article I, Section 26 is created to read~~
28 ~~"Claimant's right to fair compensation." In any medical~~
29 ~~liability claim involving a contingency fee, the claimant is~~
30 ~~entitled to receive no less than 70% of the first \$250,000.00~~
31 ~~in all damages received by the claimant, exclusive of~~

1 ~~reasonable and customary costs, whether received by judgment,~~
2 ~~settlement, or otherwise, and regardless of the number of~~
3 ~~defendants. The claimant is entitled to 90% of all damages in~~
4 ~~excess of \$250,000.00, exclusive of reasonable and customary~~
5 ~~costs and regardless of the number of defendants. This~~
6 ~~provision is self executing and does not require implementing~~
7 ~~legislation.~~

8 ~~(b) This Amendment shall take effect on the day~~
9 ~~following approval by the voters.~~

10
11 ARTICLE II

12 GENERAL PROVISIONS

13
14 SECTION 1. State boundaries.--

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

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

28 | (b) The coastal boundaries may be extended by statute
29 | to the limits permitted by the laws of the United States or
30 | international law.

31 |

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

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

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

16 SECTION 5. Public officers.--

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

28 (b) Each state and county officer, before entering
29 upon the duties of the office, shall give bond as required by
30 law, and shall swear or affirm:
31

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

8
9 and thereafter shall devote personal attention to the duties
10 of the office, and continue in office until a successor
11 qualifies.

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

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

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

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

31

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

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

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

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

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, ~~+~~ 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, + 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

1 subcommittee, the vote of each member on any other question,
2 shall be recorded.

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

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

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

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

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

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

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

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

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

31

1 (c) If each house shall, by a two-thirds vote, reenact
2 ~~re-enact~~ the bill or reinstate the vetoed specific
3 appropriation of a general appropriation bill, the vote of
4 each member voting shall be entered on the respective
5 journals, and the bill shall become law or the specific
6 appropriation reinstated, the veto notwithstanding.

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

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

22 SECTION 11. Prohibited special laws.--

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

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

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

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

1 (b) In the enactment of general laws on other
2 subjects, political subdivisions or other governmental
3 entities may be classified only on a basis reasonably related
4 to the subject of the law.

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

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

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

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

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

30
31

1 (b) REPRESENTATIVES.--Members of the house of
2 representatives shall be elected for terms of two years in
3 each even-numbered year.

4 (c) QUALIFICATIONS.--Each legislator shall be at least
5 twenty-one years of age, shall be an elector and resident of
6 the district from which elected, and shall have resided in the
7 state for a period of two years prior to election.

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

12 SECTION 16. Legislative apportionment.--

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

30 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
31 REAPPORTIONMENT.--In the event a special apportionment session

1 of the legislature finally adjourns without adopting a joint
2 resolution of apportionment, the attorney general shall,
3 within five days, petition the supreme court of the state to
4 make such apportionment. No later than the sixtieth day after
5 the filing of such petition, the supreme court shall file with
6 the custodian of state records an order making such
7 apportionment.

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

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

27 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
28 APPORTIONMENT.--Within fifteen days after the adjournment of
29 an extraordinary apportionment session, the attorney general
30 shall file a petition in the supreme court of the state
31 setting forth the apportionment resolution adopted by the

1 legislature, or, if none has been adopted, reporting that fact
2 to the court. Consideration of the validity of a joint
3 resolution of apportionment shall be had as provided for in
4 cases of such joint resolution adopted at a regular or special
5 apportionment session.

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

13 SECTION 17. Impeachment.--

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

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

28 (c) All impeachments by the house of representatives
29 shall be tried by the senate. The chief justice of the supreme
30 court, or another justice designated by the chief justice,
31 shall preside at the trial, except in a trial of the chief

1 justice, in which case the governor shall preside. The senate
2 shall determine the time for the trial of any impeachment and
3 may sit for the trial whether the house of representatives be
4 in session or not. The time fixed for trial shall not be more
5 than six months after the impeachment. During an impeachment
6 trial senators shall be upon their oath or affirmation. No
7 officer shall be convicted without the concurrence of
8 two-thirds of the members of the senate present. Judgment of
9 conviction in cases of impeachment shall remove the offender
10 from office and, in the discretion of the senate, may include
11 disqualification to hold any office of honor, trust, or
12 profit. Conviction or acquittal shall not affect the civil or
13 criminal responsibility of the officer.

14 SECTION 18. Conflict of interest.--A code of ethics
15 for all state employees and nonjudicial officers prohibiting
16 conflict between public duty and private interests shall be
17 prescribed by law.

18 SECTION 19. State budgeting, planning, and
19 appropriations processes.--

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

29 (b) APPROPRIATION BILLS FORMAT.--Separate sections
30 within the general appropriation bill shall be used for each
31 major program area of the state budget; major program areas

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

28 (c) APPROPRIATIONS REVIEW PROCESS. ~~Effective July 1,~~
29 ~~1993,~~ General law shall prescribe requirements for each
30 department and agency of state government to submit a planning
31 document and supporting budget request for review by the

1 appropriations committees of both houses of the legislature.
2 The review shall include a comparison of the major issues in
3 the planning document and budget requests to those major
4 issues included in the governor's recommended budget. For
5 purposes of this subsection, the terms "department" and
6 "agency" shall include the judicial branch.

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

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

22 (f) TRUST FUNDS.

23 (1) No trust fund of the State of Florida or other
24 public body may be created by law without a three-fifths
25 ~~(3/5)~~ vote of the membership of each house of the legislature
26 in a separate bill for that purpose only.

27 (2) ~~State trust funds in existence before the~~
28 ~~effective date of this subsection shall terminate not more~~
29 ~~than four years after the effective date of this subsection.~~
30 State trust funds created after November 4, 1992, ~~the~~
31 ~~effective date of this subsection~~ shall terminate not more

1 than four years after the effective date of the act
2 authorizing the creation of the trust fund. By law the
3 legislature may set a shorter time period for which any trust
4 fund is authorized.

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

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

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

29 (g) BUDGET STABILIZATION FUND. ~~--Beginning with the~~
30 ~~1994-1995 fiscal year, at least 1% of an amount equal to the~~
31 ~~last completed fiscal year's net revenue collections for the~~

1 ~~general revenue fund shall be retained in a budget~~
2 ~~stabilization fund. The budget stabilization fund shall be~~
3 ~~increased to at least 2% of said amount for the 1995-1996~~
4 ~~fiscal year, at least 3% of said amount for the 1996-1997~~
5 ~~fiscal year, at least 4% of said amount for the 1997-1998~~
6 ~~fiscal year, and at least 5% of said amount for the 1998-1999~~
7 ~~fiscal year.~~ Subject to the provisions of this subsection, the
8 budget stabilization fund shall be maintained at an amount
9 equal to at least five percent 5% of the last completed fiscal
10 year's net revenue collections for the general revenue fund.
11 The budget stabilization fund's principal balance shall not
12 exceed an amount equal to ten percent 10% of the last
13 completed fiscal year's net revenue collections for the
14 general revenue fund. The legislature shall provide criteria
15 for withdrawing funds from the budget stabilization fund in a
16 separate bill for that purpose only and only for the purpose
17 of covering revenue shortfalls of the general revenue fund or
18 for the purpose of providing funding for an emergency, as
19 defined by general law. General law shall provide for the
20 restoration of this fund. The budget stabilization fund shall
21 be comprised of funds not otherwise obligated or committed for
22 any purpose.

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

1 | planning document. The state planning document and department
2 | and agency planning documents shall remain subject to review
3 | and revision by the legislature. The department and agency
4 | planning documents shall include a prioritized listing of
5 | planned expenditures for review and possible reduction in the
6 | event of revenue shortfalls, as defined by general law. To
7 | ensure productivity and efficiency in the executive,
8 | legislative, and judicial branches, a quality management and
9 | accountability program shall be implemented by general law.
10 | For the purposes of this subsection, the terms "department"
11 | and "agency" shall include the judicial branch. ~~This~~
12 | ~~subsection shall be effective July 1, 1993.~~

14 | ARTICLE IV
15 | EXECUTIVE

17 | SECTION 1. Governor.--

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

1 state, county, or municipal officer to enforce compliance with
2 any duty or restrain any unauthorized act.

3 (c) The governor may request in writing the opinion of
4 the justices of the supreme court as to the interpretation of
5 any portion of this constitution upon any question affecting
6 the governor's executive powers and duties. The justices
7 shall, subject to their rules of procedure, permit interested
8 persons to be heard on the questions presented and shall
9 render their written opinion not earlier than ten days from
10 the filing and docketing of the request, unless in their
11 judgment the delay would cause public injury.

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

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

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

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

1 SECTION 3. Succession to office of governor; acting
2 governor.--

3 (a) Upon vacancy in the office of governor, the
4 lieutenant governor shall become governor. Further succession
5 to the office of governor shall be prescribed by law. A
6 successor shall serve for the remainder of the term.

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

22 SECTION 4. Cabinet.--

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

30 (b) The attorney general shall be the chief state
31 legal officer. There is created in the office of the attorney

1 | general the position of statewide prosecutor. The statewide
2 | prosecutor shall have concurrent jurisdiction with the state
3 | attorneys to prosecute violations of criminal laws occurring
4 | or having occurred, in two or more judicial circuits as part
5 | of a related transaction, or when any such offense is
6 | affecting or has affected two or more judicial circuits as
7 | provided by general law. The statewide prosecutor shall be
8 | appointed by the attorney general from not fewer ~~less~~ than
9 | three persons nominated by the judicial nominating commission
10 | for the supreme court, or as otherwise provided by general
11 | law.

12 | (c) The chief financial officer shall serve as the
13 | chief fiscal officer of the state, ~~and~~ shall settle and
14 | approve accounts against the state, and shall keep all state
15 | funds and securities.

16 | (d) The commissioner of agriculture shall have
17 | supervision of matters pertaining to agriculture except as
18 | otherwise provided by law.

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

26 | (f) The governor as chair, the chief financial
27 | officer, the attorney general, and the commissioner of
28 | agriculture shall constitute the trustees of the internal
29 | improvement trust fund and the land acquisition trust fund as
30 | provided by law.

31 |

1 (g) The governor as chair, the chief financial
2 officer, the attorney general, and the commissioner of
3 agriculture shall constitute the agency head of the Department
4 of Law Enforcement.

5 SECTION 5. Election of governor, lieutenant governor,
6 and cabinet members; qualifications; terms.--

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

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

29 SECTION 6. Executive departments.--All functions of
30 the executive branch of state government shall be allotted
31 among not more than twenty-five departments, exclusive of

1 | those specifically provided for or authorized in this
2 | constitution. The administration of each department, unless
3 | otherwise provided in this constitution, shall be placed by
4 | law under the direct supervision of the governor, the
5 | lieutenant governor, the governor and cabinet, a cabinet
6 | member, or an officer or board appointed by and serving at the
7 | pleasure of the governor, except:

8 | (a) When provided by law, confirmation by the senate
9 | or the approval of three members of the cabinet shall be
10 | required for appointment to or removal from any designated
11 | statutory office.

12 | (b) Boards authorized to grant and revoke licenses to
13 | engage in regulated occupations shall be assigned to
14 | appropriate departments and their members appointed for fixed
15 | terms, subject to removal only for cause.

16 | SECTION 7. Suspensions; filling office during
17 | suspensions.--

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

28 | (b) The senate may, in proceedings prescribed by law,
29 | remove from office or reinstate the suspended official and for
30 | such purpose the senate may be convened in special session by
31 | its president or by a majority of its membership.

1 (c) By order of the governor, l any elected municipal
2 officer indicted for a crime may be suspended from office
3 until acquitted and the office filled by appointment for the
4 period of suspension, not to extend beyond the term, unless
5 these powers are vested elsewhere by law or the municipal
6 charter.

7 SECTION 8. Clemency.--

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

16 (b) In cases of treason, l the governor may grant
17 reprieves until adjournment of the regular session of the
18 legislature convening next after the conviction, at which
19 session the legislature may grant a pardon or further
20 reprieve; otherwise the sentence shall be executed.

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

27 SECTION 9. Fish and wildlife conservation

28 commission.--There shall be a fish and wildlife conservation
29 commission, composed of seven members appointed by the
30 governor, subject to confirmation by the senate for staggered
31 terms of five years. The commission shall exercise the

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

30 SECTION 10. Attorney General.--The attorney general
31 shall, as directed by general law, request the opinion of the

1 justices of the supreme court as to the validity of any
2 initiative petition circulated pursuant to Article XI, section
3 ~~3 of Article XI~~. The justices shall, subject to their rules of
4 procedure, permit interested persons to be heard on the
5 questions presented and shall render their written opinion no
6 later than April 1 of the year in which the initiative is to
7 be submitted to the voters pursuant to Article XI, section 5
8 ~~of Article XI~~.

9 SECTION 11. Department of Veterans Affairs.--The
10 legislature, by general law, may provide for the establishment
11 of the Department of Veterans Affairs.

12 SECTION 12. Department of Elderly Affairs.--The
13 legislature may create a Department of Elderly Affairs and
14 prescribe its duties. The provisions governing the
15 administration of the department must comply with Article IV,
16 section 6 ~~of Article IV of the State Constitution~~.

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

29
30
31

ARTICLE V
JUDICIARY

1
2 SECTION 1. Courts.--The judicial power shall be vested
3 in a supreme court, district courts of appeal, circuit courts,
4 and county courts. No other courts may be established by the
5 state, any political subdivision, or any municipality. The
6 legislature shall, by general law, divide the state into
7 appellate court districts and judicial circuits following
8 county lines. Commissions established by law, or
9 administrative officers or bodies, may be granted
10 quasi-judicial power in matters connected with the functions
11 of their offices. The legislature may establish, by general
12 law, a civil traffic hearing officer system for the purpose of
13 hearing civil traffic infractions. The legislature may, by
14 general law, authorize a military court-martial to be
15 conducted by military judges of the Florida National Guard,
16 with direct appeal of a decision to the District Court of
17 Appeal, First District.

18 SECTION 2. Administration; practice and procedure.--
19 (a) The supreme court shall adopt rules for the
20 practice and procedure in all courts including the time for
21 seeking appellate review, the administrative supervision of
22 all courts, the transfer to the court having jurisdiction of
23 any proceeding when the jurisdiction of another court has been
24 improvidently invoked, and a requirement that no cause shall
25 be dismissed because an improper remedy has been sought. The
26 supreme court shall adopt rules to allow the court and the
27 district courts of appeal to submit questions relating to
28 military law to the federal Court of Appeals for the Armed
29 Forces for an advisory opinion. Rules of court may be repealed
30 by general law enacted by two-thirds vote of the membership of
31 each house of the legislature.

1 (b) The chief justice of the supreme court shall be
2 chosen by a majority of the members of the court; shall be the
3 chief administrative officer of the judicial system; and shall
4 have the power to assign justices or judges, including
5 consenting retired justices or judges, to temporary duty in
6 any court for which the judge is qualified and to delegate to
7 a chief judge of a judicial circuit the power to assign judges
8 for duty in that circuit.

9 (c) A chief judge for each district court of appeal
10 shall be chosen by a majority of the judges thereof or, if
11 there is no majority, by the chief justice. The chief judge
12 shall be responsible for the administrative supervision of the
13 court.

14 (d) A chief judge in each circuit shall be chosen from
15 among the circuit judges as provided by supreme court rule.
16 The chief judge shall be responsible for the administrative
17 supervision of the circuit courts and county courts in his or
18 her circuit.

19 SECTION 3. Supreme court.--

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

30 (b) JURISDICTION.--The supreme court:
31

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

5 (2) When provided by general law, shall hear appeals
6 from final judgments entered in proceedings for the validation
7 of bonds or certificates of indebtedness and shall review
8 action of statewide agencies relating to rates or service of
9 utilities providing electric, gas, or telephone service.

10 (3) May review any decision of a district court of
11 appeal that expressly declares valid a state statute, or that
12 expressly construes a provision of the state or federal
13 constitution, or that expressly affects a class of
14 constitutional or state officers, or that expressly and
15 directly conflicts with a decision of another district court
16 of appeal or of the supreme court on the same question of law.

17 (4) May review any decision of a district court of
18 appeal that passes upon a question certified by it to be of
19 great public importance, or that is certified by it to be in
20 direct conflict with a decision of another district court of
21 appeal.

22 (5) May review any order or judgment of a trial court
23 certified by the district court of appeal, in which an appeal
24 is pending, to be of great public importance, or to have a
25 great effect on the proper administration of justice
26 throughout the state, and certified to require immediate
27 resolution by the supreme court.

28 (6) May review a question of law certified by the
29 Supreme Court of the United States or a United States Court of
30 Appeals which is determinative of the cause and for which
31

1 | there is no controlling precedent of the supreme court of
2 | Florida.

3 | (7) May issue writs of prohibition to courts and all
4 | writs necessary to the complete exercise of its jurisdiction.

5 | (8) May issue writs of mandamus and quo warranto to
6 | state officers and state agencies.

7 | (9) May, or any justice may, issue writs of habeas
8 | corpus returnable before the supreme court or any justice, a
9 | district court of appeal or any judge thereof, or any circuit
10 | judge.

11 | (10) Shall, when requested by the attorney general
12 | pursuant to the provisions of Article IV, section 10 ~~of~~
13 | ~~Article IV~~, render an advisory opinion of the justices,
14 | addressing issues as provided by general law.

15 | (c) CLERK AND MARSHAL.--The supreme court shall
16 | appoint a clerk and a marshal who shall hold office at ~~during~~
17 | the pleasure of the court and perform such duties as the court
18 | directs. Their compensation shall be fixed by general law. The
19 | marshal shall have the power to execute the process of the
20 | court throughout the state, and in any county may deputize the
21 | sheriff or a deputy sheriff for such purpose.

22 | SECTION 4. District courts of appeal.--

23 | (a) ORGANIZATION.--There shall be a district court of
24 | appeal serving each appellate district. Each district court of
25 | appeal shall consist of at least three judges. Three judges
26 | shall consider each case and the concurrence of two shall be
27 | necessary to a decision.

28 | (b) JURISDICTION.--

29 | (1) District courts of appeal shall have jurisdiction
30 | to hear appeals~~7~~ that may be taken as a matter of right~~7~~ from
31 | final judgments or orders of trial courts, including those

1 entered on review of administrative action, not directly
2 appealable to the supreme court or a circuit court. They may
3 review interlocutory orders in such cases to the extent
4 provided by rules adopted by the supreme court.

5 (2) District courts of appeal shall have the power of
6 direct review of administrative action, as prescribed by
7 general law.

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

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

26 SECTION 5. Circuit courts.--

27 (a) ORGANIZATION.--There shall be a circuit court
28 serving each judicial circuit.

29 (b) JURISDICTION.--The circuit courts shall have
30 original jurisdiction not vested in the county courts, and
31 jurisdiction of appeals when provided by general law. They

1 shall have the power to issue writs of mandamus, quo warranto,
2 certiorari, prohibition, and habeas corpus, and all writs
3 necessary or proper to the complete exercise of their
4 jurisdiction. Jurisdiction of the circuit courts ~~court~~ shall
5 be uniform throughout the state. They shall have the power of
6 direct review of administrative action prescribed by general
7 law.

8 SECTION 6. County courts.--

9 (a) ORGANIZATION.--There shall be a county court in
10 each county. There shall be one or more judges for each county
11 court as prescribed by general law.

12 (b) JURISDICTION.--The county courts shall exercise
13 the jurisdiction prescribed by general law. Such jurisdiction
14 shall be uniform throughout the state.

15 SECTION 7. Specialized divisions.--All courts except
16 the supreme court may sit in divisions as may be established
17 by general law. A circuit or county court may hold civil and
18 criminal trials and hearings in any place within the
19 territorial jurisdiction of the court as designated by the
20 chief judge of the circuit.

21 SECTION 8. Eligibility.--No person shall be eligible
22 for office of justice or judge of any court unless the person
23 is an elector of the state and resides in the territorial
24 jurisdiction of the court. No justice or judge shall serve
25 after attaining the age of seventy years except upon temporary
26 assignment or to complete a term, one-half of which has been
27 served. No person is eligible for the office of justice of the
28 supreme court or judge of a district court of appeal unless
29 the person is, and has been for the preceding ten years, a
30 member of the bar of Florida. No person is eligible for the
31 office of circuit judge unless the person is, and has been for

1 | the preceding five years, a member of the bar of Florida.
2 | Unless otherwise provided by general law, no person is
3 | eligible for the office of county court judge unless the
4 | person is, and has been for the preceding five years, a member
5 | of the bar of Florida. Unless otherwise provided by general
6 | law, a person shall be eligible for election or appointment to
7 | the office of county court judge in a county having a
8 | population of 40,000 or fewer ~~less~~ if the person is a member
9 | in good standing of the bar of Florida.

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

1 findings as provided above when need exists, the legislature
2 may by concurrent resolution request the court to certify its
3 findings and recommendations and upon the failure of the court
4 to certify its findings for nine consecutive months, the
5 legislature may, upon a finding of two-thirds of the
6 membership of both houses of the legislature that a need
7 exists, increase or decrease the number of judges or increase,
8 decrease, or redefine appellate districts and judicial
9 circuits.

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

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

30 (b)(1) The election of circuit judges shall be
31 preserved notwithstanding the provisions of subsection (a)

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

6 (2) The election of county court judges shall be
7 preserved notwithstanding the provisions of subsection (a)
8 unless a majority of those voting in the jurisdiction of that
9 county approves a local option to select county judges by
10 merit selection and retention rather than by election. The
11 election of county court judges shall be by a vote of the
12 qualified electors within the territorial jurisdiction of the
13 court.

14 (3)a. ~~A vote to exercise a local option to select~~
15 ~~circuit court judges and county court judges by merit~~
16 ~~selection and retention rather than by election shall be held~~
17 ~~in each circuit and county at the general election in the year~~
18 ~~2000.~~ If a vote to exercise the this local option to select
19 circuit court judges and county court judges by merit
20 selection and retention rather than by election fails in a
21 vote of the electors, such option shall not again be put to a
22 vote of the electors of that jurisdiction until the expiration
23 of at least two years.

24 b. ~~After the year 2000,~~ A circuit may initiate the
25 local option for merit selection and retention or the election
26 of circuit judges, whichever is applicable, by filing with the
27 custodian of state records a petition signed by the number of
28 electors equal to at least ten percent of the votes cast in
29 the circuit in the last preceding election in which
30 presidential electors were chosen.
31

1 c. ~~After the year 2000,~~ A county may initiate the
2 local option for merit selection and retention or the election
3 of county court judges, whichever is applicable, by filing
4 with the supervisor of elections a petition signed by the
5 number of electors equal to at least ten percent of the votes
6 cast in the county in the last preceding election in which
7 presidential electors were chosen. The terms of circuit judges
8 and judges of county courts shall be for six years.

9 SECTION 11. Vacancies.--

10 (a) Whenever a vacancy occurs in a judicial office to
11 which election for retention applies, the governor shall fill
12 the vacancy by appointing for a term ending on the first
13 Tuesday after the first Monday in January of the year
14 following the next general election occurring at least one
15 year after the date of appointment, one of not fewer than
16 three persons nor more than six persons nominated by the
17 appropriate judicial nominating commission.

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

28 (c) The nominations shall be made within thirty days
29 from the occurrence of a vacancy unless the period is extended
30 by the governor for a time not to exceed thirty days. The
31

1 governor shall make the appointment within sixty days after
2 the nominations have been certified to the governor.

3 (d) There shall be a separate judicial nominating
4 commission as provided by general law for the supreme court,
5 each district court of appeal, and each judicial circuit for
6 all trial courts within the circuit. Uniform rules of
7 procedure shall be established by the judicial nominating
8 commissions at each level of the court system. Such rules, or
9 any part thereof, may be repealed by general law enacted by a
10 majority vote of the membership of each house of the
11 legislature, or by the supreme court, five justices
12 concurring. Except for deliberations of the judicial
13 nominating commissions, the proceedings of the commissions and
14 their records shall be open to the public.

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

16 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial
17 qualifications commission is created.

18 (1) There shall be a judicial qualifications
19 commission vested with jurisdiction to investigate and
20 recommend to the Supreme Court of Florida the removal from
21 office of any justice or judge whose conduct, during term of
22 office or otherwise occurring, ~~on or after November 1, 1966,~~
23 ~~(without regard to the effective date of this section)~~
24 demonstrates a present unfitness to hold office, and to
25 investigate and recommend the discipline of a justice or judge
26 whose conduct, during term of office or otherwise occurring ~~on~~
27 ~~or after November 1, 1966 (without regard to the effective~~
28 ~~date of this section)~~, warrants such discipline. For purposes
29 of this section, the term "discipline" is defined as any or
30 all of the following: reprimand, fine, suspension with or
31 without pay, or lawyer discipline. The commission shall have

1 jurisdiction over justices and judges regarding allegations
2 that misconduct occurred before or during service as a justice
3 or judge if a complaint is made no later than one year
4 following service as a justice or judge. The commission shall
5 have jurisdiction regarding allegations of incapacity during
6 service as a justice or judge. The commission shall be
7 composed of:

8 a. Two judges of district courts of appeal selected by
9 the judges of those courts, two circuit judges selected by the
10 judges of the circuit courts and two judges of county courts
11 selected by the judges of those courts;

12 b. Four electors who reside in the state, who are
13 members of the bar of Florida, and who shall be chosen by the
14 governing body of the bar of Florida; and

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

18 (2) The members of the judicial qualifications
19 commission shall serve staggered terms, not to exceed six
20 years, as prescribed by general law. No member of the
21 commission except a judge shall be eligible for state judicial
22 office while acting as a member of the commission and for a
23 period of two years thereafter. No member of the commission
24 shall hold office in a political party or participate in any
25 campaign for judicial office or hold public office; provided
26 that a judge may campaign for judicial office and hold that
27 office. The commission shall elect one of its members as its
28 chair ~~chairperson~~.

29 (3) Members of the judicial qualifications commission
30 who are not subject to impeachment shall be subject to removal
31

1 from the commission pursuant to the provisions of Article IV,
2 section 7, ~~Florida Constitution~~.

3 (4) The commission shall adopt rules regulating its
4 proceedings, the filling of vacancies by the appointing
5 authorities, the disqualification of members, the rotation of
6 members between the panels, and the temporary replacement of
7 disqualified or incapacitated members. The commission's rules,
8 or any part thereof, may be repealed by general law enacted by
9 a majority vote of the membership of each house of the
10 legislature, or by the supreme court, five justices
11 concurring. The commission shall have power to issue
12 subpoenas. Until formal charges against a justice or judge are
13 filed by the investigative panel with the clerk of the supreme
14 court of Florida all proceedings by or before the commission
15 shall be confidential; provided, however, upon a finding of
16 probable cause and the filing by the investigative panel with
17 said clerk of such formal charges against a justice or judge
18 such charges and all further proceedings before the commission
19 shall be public.

20 (5) The commission shall have access to all
21 information from all executive, legislative, and judicial
22 agencies, including grand juries, subject to the rules of the
23 commission. At any time, on request of the speaker of the
24 house of representatives or the governor, the commission shall
25 make available all information in the possession of the
26 commission for use in consideration of impeachment or
27 suspension, respectively.

28 (b) PANELS.--The commission shall be divided into an
29 investigative panel and a hearing panel as established by rule
30 of the commission. The investigative panel is vested with the
31 jurisdiction to receive or initiate complaints, conduct

1 | investigations, dismiss complaints, and upon a vote of a
2 | simple majority of the panel submit formal charges to the
3 | hearing panel. The hearing panel is vested with the authority
4 | to receive and hear formal charges from the investigative
5 | panel and upon a two-thirds vote of the panel recommend to the
6 | supreme court the removal of a justice or judge or the
7 | involuntary retirement of a justice or judge for any permanent
8 | disability that seriously interferes with the performance of
9 | judicial duties. Upon a simple majority vote of the membership
10 | of the hearing panel, the panel may recommend to the supreme
11 | court that the justice or judge be subject to appropriate
12 | discipline.

13 | (c) SUPREME COURT.--The supreme court shall receive
14 | recommendations from the judicial qualifications commission's
15 | hearing panel.

16 | (1) The supreme court may accept, reject, or modify in
17 | whole or in part the findings, conclusions, and
18 | recommendations of the commission and it may order that the
19 | justice or judge be subjected to appropriate discipline, or be
20 | removed from office with termination of compensation for
21 | willful or persistent failure to perform judicial duties or
22 | for other conduct unbecoming a member of the judiciary
23 | demonstrating a present unfitness to hold office, or be
24 | involuntarily retired for any permanent disability that
25 | seriously interferes with the performance of judicial duties.
26 | Mala fides ~~Mala fides~~, scienter, or moral turpitude on the part
27 | of a justice or judge shall not be required for removal from
28 | office of a justice or judge whose conduct demonstrates a
29 | present unfitness to hold office. After the filing of a formal
30 | proceeding and upon request of the investigative panel, the
31 | supreme court may suspend the justice or judge from office,

1 with or without compensation, pending final determination of
2 the inquiry.

3 (2) The supreme court may award costs to the
4 prevailing party.

5 (d) The power of removal conferred by this section
6 shall be both alternative and cumulative to the power of
7 impeachment.

8 (e) Notwithstanding any of the foregoing provisions of
9 this section, if the person who is the subject of proceedings
10 by the judicial qualifications commission is a justice of the
11 supreme court of Florida, all justices of such court
12 automatically shall be disqualified to sit as justices of such
13 court with respect to all proceedings therein concerning such
14 person and the supreme court for such purposes shall be
15 composed of a panel consisting of the seven chief judges of
16 the judicial circuits of this ~~the~~ state ~~of Florida~~ most senior
17 in tenure of judicial office as circuit judge. For purposes of
18 determining seniority of such circuit judges in the event
19 there be judges of equal tenure in judicial office as circuit
20 judge, the judge or judges from the lower numbered circuit or
21 circuits shall be deemed senior. In the event any such chief
22 circuit judge is under investigation by the judicial
23 qualifications commission or is otherwise disqualified or
24 unable to serve on the panel, the next most senior chief
25 circuit judge or judges shall serve in place of such
26 disqualified or disabled chief circuit judge.

27 (f) SCHEDULE TO SECTION 12.--

28 (1) Except to the extent inconsistent with the
29 provisions of this section, all provisions of law and rules of
30 court in force on the effective date of this article shall
31

1 continue in effect until superseded in the manner authorized
2 by this ~~the~~ constitution.

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

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

8 b. The investigative panel shall be composed of:

- 9 1. Four judges,
10 2. Two members of the bar of Florida, and
11 3. Three non-lawyers.

12 c. The hearing panel shall be composed of:

- 13 1. Two judges,
14 2. Two members of the bar of Florida, and
15 3. Two non-lawyers.

16 d. Membership on the panels may rotate in a manner
17 determined by the rules of the commission provided that no
18 member shall vote as a member of the investigative and hearing
19 panel on the same proceeding.

20 e. The commission shall hire separate staff for each
21 panel.

22 f. The members of the commission shall serve for
23 staggered terms of six years.

24 g. The terms of office of the present members of the
25 judicial qualifications commission shall expire upon the
26 effective date of the amendments to this section approved by
27 the legislature during the regular session of the legislature
28 in 1996 and new members shall be appointed to serve the
29 following staggered terms:

30 1. Group I.--The terms of five members, composed of
31 two electors as set forth in s. 12(a)(1)c. of Article V, one

1 member of the bar of Florida as set forth in s. 12(a)(1)b. of
2 Article V, one judge from the district courts of appeal and
3 one circuit judge as set forth in s. 12(a)(1)a. of Article V,
4 shall expire on December 31, 1998.

5 2. Group II.--The terms of five members, composed of
6 one elector as set forth in s. 12(a)(1)c. of Article V, two
7 members of the bar of Florida as set forth in s. 12(a)(1)b. of
8 Article V, one circuit judge and one county judge as set forth
9 in s. 12(a)(1)a. of Article V shall expire on December 31,
10 2000.

11 3. Group III.--The terms of five members, composed of
12 two electors as set forth in s. 12(a)(1)c. of Article V, one
13 member of the bar of Florida as set forth in s. 12(a)(1)b.,
14 one judge from the district courts of appeal and one county
15 judge as set forth in s. 12(a)(1)a. of Article V, shall expire
16 on December 31, 2002.

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

19 i. Selection of members by district courts of appeal
20 judges, circuit judges, and county court judges, shall be by
21 no less than a majority of the members voting at the
22 respective courts' conferences. Selection of members by the
23 board of governors of the bar of Florida shall be by no less
24 than a majority of the board.

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

28 k. The compensation of members and referees shall be
29 the travel expenses or transportation and per diem allowance
30 as provided by general law.

31

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

5 SECTION 14. Funding.--

6 (a) All justices and judges shall be compensated only
7 by state salaries fixed by general law. Funding for the state
8 courts system, state attorneys' offices, public defenders'
9 offices, and court-appointed counsel, except as otherwise
10 provided in subsection (c), shall be provided from state
11 revenues appropriated by general law.

12 (b) All funding for the offices of the clerks of the
13 circuit and county courts performing court-related functions,
14 except as otherwise provided in this subsection and subsection
15 (c), shall be provided by adequate and appropriate filing fees
16 for judicial proceedings and service charges and costs for
17 performing court-related functions as required by general law.
18 Selected salaries, costs, and expenses of the state courts
19 system may be funded from appropriate filing fees for judicial
20 proceedings and service charges and costs for performing
21 court-related functions, as provided by general law. Where the
22 requirements of either the United States Constitution or this
23 ~~the constitution of the State of Florida~~ preclude the
24 imposition of filing fees for judicial proceedings and service
25 charges and costs for performing court-related functions
26 sufficient to fund the court-related functions of the offices
27 of the clerks of the circuit and county courts, the state
28 shall provide, as determined by the legislature, adequate and
29 appropriate supplemental funding from state revenues
30 appropriated by general law.

31

1 (c) No county or municipality, except as provided in
2 this subsection, shall be required to provide any funding for
3 the state courts system, state attorneys' offices, public
4 defenders' offices, court-appointed counsel, or the offices of
5 the clerks of the circuit and county courts performing
6 court-related functions. Counties shall be required to fund
7 the cost of communications services, existing radio systems,
8 existing multi-agency criminal justice information systems,
9 and the cost of construction or lease, maintenance, utilities,
10 and security of facilities for the trial courts, public
11 defenders' offices, state attorneys' offices, and the offices
12 of the clerks of the circuit and county courts performing
13 court-related functions. Counties shall also pay reasonable
14 and necessary salaries, costs, and expenses of the state
15 courts system to meet local requirements as determined by
16 general law.

17 (d) The judiciary shall have no power to fix
18 appropriations.

19 SECTION 15. Attorneys; admission and discipline.--The
20 supreme court shall have exclusive jurisdiction to regulate
21 the admission of persons to the practice of law and the
22 discipline of persons admitted.

23 SECTION 16. Clerks of the circuit courts.--There shall
24 be in each county a clerk of the circuit court who shall be
25 selected pursuant to the provisions of Article VIII, section
26 1. Notwithstanding any other provision of this ~~the~~
27 constitution, the duties of the clerk of the circuit court may
28 be divided by special or general law between two officers, one
29 serving as clerk of court and one serving as ex officio clerk
30 of the board of county commissioners, auditor, recorder, and
31

1 | custodian of all county funds. There may be a clerk of the
2 | county court if authorized by general or special law.

3 | SECTION 17. State attorneys.--In each judicial
4 | circuit, a state attorney shall be elected for a term of four
5 | years. Except as otherwise provided in this constitution, the
6 | state attorney shall be the prosecuting officer of all trial
7 | courts in that circuit and shall perform other duties
8 | prescribed by general law; ~~provided,~~ however, when authorized
9 | by general law, the violations of all municipal ordinances may
10 | be prosecuted by municipal prosecutors. A state attorney shall
11 | be an elector of the state and reside in the territorial
12 | jurisdiction of the circuit, + shall be and have been a member
13 | of the bar of Florida for the preceding five years, + shall
14 | devote full time to the duties of the office, + and shall not
15 | engage in the private practice of law. State attorneys shall
16 | appoint such assistant state attorneys as may be authorized by
17 | law.

18 | SECTION 18. Public defenders.--In each judicial
19 | circuit, a public defender shall be elected for a term of four
20 | years, who shall perform duties prescribed by general law. A
21 | public defender shall be an elector of the state and reside in
22 | the territorial jurisdiction of the circuit and shall be and
23 | have been a member of the bar of Florida for the preceding
24 | five years. Public defenders shall appoint such assistant
25 | public defenders as may be authorized by law.

26 | SECTION 19. Judicial officers as conservators of the
27 | peace.--All judicial officers in this state shall be
28 | conservators of the peace.

29 | SECTION 20. Schedule to Article V.--
30 |
31 |

1 (a) This article shall replace all of Article V of the
2 constitution of 1885, as amended, which shall then stand
3 repealed.

4 (b) Except to the extent inconsistent with the
5 provisions of this article, all provisions of law and rules of
6 court in force on the effective date of this article shall
7 continue in effect until superseded in the manner authorized
8 by this ~~the~~ constitution.

9 (c) After this article becomes effective, and until
10 changed by general law consistent with sections 1 through 19
11 of this article:

12 (1) The supreme court shall have the jurisdiction
13 immediately theretofore exercised by it, and it shall
14 determine all proceedings pending before it on the effective
15 date of this article.

16 (2) The appellate districts shall be those in
17 existence on the date of adoption of this article. There shall
18 be a district court of appeal in each district. The district
19 courts of appeal shall have the jurisdiction immediately
20 theretofore exercised by the district courts of appeal and
21 shall determine all proceedings pending before them on the
22 effective date of this article.

23 (3) Circuit courts shall have jurisdiction of appeals
24 from county courts and municipal courts, except those appeals
25 which may be taken directly to the supreme court; and they
26 shall have exclusive original jurisdiction in all actions at
27 law not cognizable by the county courts; of proceedings
28 relating to the settlement of the estate of decedents and
29 minors, the granting of letters testamentary, guardianship,
30 involuntary hospitalization, the determination of
31 incompetency, and other jurisdiction usually pertaining to

1 courts of probate; in all cases in equity including all cases
2 relating to juveniles; of all felonies and of all misdemeanors
3 arising out of the same circumstances as a felony which is
4 also charged; in all cases involving legality of any tax
5 assessment or toll; in the action of ejectment; and in all
6 actions involving the titles or boundaries or right of
7 possession of real property. The circuit court may issue
8 injunctions. There shall be judicial circuits which shall be
9 the judicial circuits in existence on the date of adoption of
10 this article. The chief judge of a circuit may authorize a
11 county court judge to order emergency hospitalizations
12 pursuant to Chapter 71-131, Laws of Florida, in the absence
13 from the county of the circuit judge and the county court
14 judge shall have the power to issue all temporary orders and
15 temporary injunctions necessary or proper to the complete
16 exercise of such jurisdiction.

17 (4) County courts shall have original jurisdiction in
18 all criminal misdemeanor cases not cognizable by the circuit
19 courts, of all violations of municipal and county ordinances,
20 and of all actions at law in which the matter in controversy
21 does not exceed the sum of two thousand five hundred dollars
22 ~~(\$2,500.00)~~ exclusive of interest and costs, except those
23 within the exclusive jurisdiction of the circuit courts.
24 Judges of county courts shall be committing magistrates. The
25 county courts shall have jurisdiction now exercised by the
26 county judge's courts other than that vested in the circuit
27 court by paragraph ~~subsection (c)(3) hereof~~, the jurisdiction
28 now exercised by the county courts, the claims court, the
29 small claims courts, the small claims magistrates courts,
30 magistrates courts, justice of the peace courts, municipal
31 courts and courts of chartered counties, including but not

1 limited to the counties referred to in Article VIII, sections
2 9, 10, 11 and 24 of the constitution of 1885.

3 (5) Each judicial nominating commission shall be
4 composed of the following:

5 a. Three members appointed by the Board of Governors
6 of The Florida Bar from among The Florida Bar members who are
7 actively engaged in the practice of law with offices within
8 the territorial jurisdiction of the affected court, district
9 or circuit;

10 b. Three electors who reside in the territorial
11 jurisdiction of the court or circuit appointed by the
12 governor; and

13 c. Three electors who reside in the territorial
14 jurisdiction of the court or circuit and who are not members
15 of the bar of Florida, selected and appointed by a majority
16 vote of the other six members of the commission.

17 (6) No justice or judge shall be a member of a
18 judicial nominating commission. A member of a judicial
19 nominating commission may hold public office other than
20 judicial office. No member shall be eligible for appointment
21 to state judicial office so long as that person is a member of
22 a judicial nominating commission and for a period of two years
23 thereafter. All acts of a judicial nominating commission shall
24 be made with a concurrence of a majority of its members.

25 (7) The members of a judicial nominating commission
26 shall serve for a term of four years. ~~except the terms of the~~
27 ~~initial members of the judicial nominating commissions shall~~
28 ~~expire as follows:~~

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

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

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

5 (8) All fines and forfeitures arising from offenses
6 tried in the county court shall be collected, and accounted
7 for by clerk of the court, and deposited in a special trust
8 account. All fines and forfeitures received from violations of
9 ordinances or misdemeanors committed within a county or
10 municipal ordinances committed within a municipality within
11 the territorial jurisdiction of the county court shall be paid
12 monthly to the county or municipality respectively. If any
13 costs are assessed and collected in connection with offenses
14 tried in county court, all court costs shall be paid into the
15 general revenue fund of the state of Florida and such other
16 funds as prescribed by general law.

17 (9) Any municipality or county may apply to the chief
18 judge of the circuit in which that municipality or county is
19 situated for the county court to sit in a location suitable to
20 the municipality or county and convenient in time and place to
21 its citizens and police officers and upon such application
22 said chief judge shall direct the court to sit in the location
23 unless the chief judge shall determine the request is not
24 justified. If the chief judge does not authorize the county
25 court to sit in the location requested, the county or
26 municipality may apply to the supreme court for an order
27 directing the county court to sit in the location. Any
28 municipality or county which so applies shall be required to
29 provide the appropriate physical facilities in which the
30 county court may hold court.

31

1 (10) All courts except the supreme court may sit in
2 divisions as may be established by local rule approved by the
3 supreme court.

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

8 (12) Municipal prosecutors may prosecute violations of
9 municipal ordinances.

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

13 (d) When this article becomes effective:

14 (1) All courts not herein authorized, except as
15 provided by paragraph ~~subsection (d)(4)~~, ~~of this section~~ shall
16 cease to exist and jurisdiction to conclude all pending cases
17 and enforce all prior orders and judgments shall vest in the
18 court that would have jurisdiction of the cause if thereafter
19 instituted. All records of and property held by courts
20 abolished hereby shall be transferred to the proper office of
21 the appropriate court under this article.

22 (2) Judges of the following courts, if their terms do
23 not expire in 1973 and if they are eligible under paragraph
24 ~~subsection (d)(8) hereof~~, shall become additional judges of
25 the circuit court for each of the counties of their respective
26 circuits, and shall serve as such circuit judges for the
27 remainder of the terms to which they were elected and shall be
28 eligible for election as circuit judges thereafter. These
29 courts are: civil court of record of Dade county, all criminal
30 courts of record, the felony courts of record of Alachua,
31 Leon, and Volusia Counties, the courts of record of Broward,

1 Brevard, Escambia, Hillsborough, Lee, Manatee, and Sarasota
2 Counties, the civil and criminal court of record of Pinellas
3 County, and county judge's courts and separate juvenile courts
4 in counties having a population in excess of 100,000 according
5 to the 1970 federal census. On the effective date of this
6 article, there shall be an additional number of positions of
7 circuit judges equal to the number of existing circuit judges
8 and the number of judges of the above named courts whose term
9 expires in 1973. Elections to such offices shall take place at
10 the same time and manner as elections to other state judicial
11 offices in 1972 and the terms of such offices shall be for a
12 term of six years. Unless changed pursuant to section nine of
13 this article, the number of circuit judges presently existing
14 and created by this subsection shall not be changed.

15 (3) In all counties having a population of fewer ~~less~~
16 than 100,000 according to the 1970 federal census and having
17 more than one county judge on the date of the adoption of this
18 article, there shall be the same number of judges of the
19 county court as there are county judges existing on that date
20 unless changed pursuant to section 9 of this article.

21 (4) Municipal courts shall continue with their same
22 jurisdiction until amended or terminated in a manner
23 prescribed by special or general law or ordinances, or until
24 January 3, 1977, whichever occurs first. On that date all
25 municipal courts not previously abolished shall cease to
26 exist. Judges of municipal courts shall remain in office and
27 be subject to reappointment or reelection in the manner
28 prescribed by law until said courts are terminated pursuant to
29 the provisions of this subsection. Upon municipal courts being
30 terminated or abolished in accordance with the provisions of
31 this subsection, the judges thereof who are not members of the

1 | bar of Florida, shall be eligible to seek election as judges
2 | of county courts of their respective counties.

3 | (5) Judges, holding elective office in all other
4 | courts abolished by this article, whose terms do not expire in
5 | 1973 including judges established pursuant to Article VIII,
6 | sections 9 and 11 of the constitution of 1885 shall serve as
7 | judges of the county court for the remainder of the term to
8 | which they were elected. Unless created pursuant to section 9,
9 | of this Article V such judicial office shall not continue to
10 | exist thereafter.

11 | ~~(6) By March 21, 1972, the supreme court shall certify~~
12 | ~~the need for additional circuit and county judges. The~~
13 | ~~legislature in the 1972 regular session may by general law~~
14 | ~~create additional offices of judge, the terms of which shall~~
15 | ~~begin on the effective date of this article. Elections to such~~
16 | ~~offices shall take place at the same time and manner as~~
17 | ~~election to other state judicial offices in 1972.~~

18 | (6)(7) County judges of existing county judge's courts
19 | and justices of the peace and magistrates' court who are not
20 | members of bar of Florida shall be eligible to seek election
21 | as county court judges of their respective counties.

22 | (7)(8) No judge of a court abolished by this article
23 | shall become or be eligible to become a judge of the circuit
24 | court unless the judge has been a member of bar of Florida for
25 | the preceding five years.

26 | (8)(9) The office of judges of all other courts
27 | abolished by this article shall be abolished as of the
28 | effective date of this article.

29 | ~~(10) The offices of county solicitor and prosecuting~~
30 | ~~attorney shall stand abolished, and all county solicitors and~~
31 | ~~prosecuting attorneys holding such offices upon the effective~~

1 ~~date of this article shall become and serve as assistant state~~
2 ~~attorneys for the circuits in which their counties are situate~~
3 ~~for the remainder of their terms, with compensation not less~~
4 ~~than that received immediately before the effective date of~~
5 ~~this article.~~

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

7 ~~(1) All justices of the supreme court, judges of the~~
8 ~~district courts of appeal and circuit judges in office upon~~
9 ~~the effective date of this article shall retain their offices~~
10 ~~for the remainder of their respective terms. All members of~~
11 ~~the judicial qualifications commission in office upon the~~
12 ~~effective date of this article shall retain their offices for~~
13 ~~the remainder of their respective terms. Each state attorney~~
14 ~~in office on the effective date of this article shall retain~~
15 ~~the office for the remainder of the term.~~

16 ~~(2) No justice or judge holding office immediately~~
17 ~~after this article becomes effective who held judicial office~~
18 ~~on July 1, 1957, shall be subject to retirement from judicial~~
19 ~~office because of age pursuant to section 8 of this article.~~

20 (f) Until otherwise provided by law, the nonjudicial
21 duties required of county judges shall be performed by the
22 judges of the county court.

23 ~~(g) All provisions of Article V of the Constitution of~~
24 ~~1885, as amended, not embraced herein which are not~~
25 ~~inconsistent with this revision shall become statutes subject~~
26 ~~to modification or repeal as are other statutes.~~

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

1 swear (or affirm) that I will protect and defend the
2 Constitution of the United States and the Constitution of the
3 State of Florida, and that I am qualified to register as an
4 elector under the Constitution and laws of the State of
5 Florida."

6 SECTION 4. Disqualifications.--

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

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

- 13 (1) Florida representative,
14 (2) Florida senator,
15 (3) Florida Lieutenant governor, or
16 (4) Any office of the Florida cabinet,
17 ~~(5) U.S. Representative from Florida, or~~
18 ~~(6) U.S. Senator from Florida~~

19
20 if, by the end of the current term of office, the person will
21 have served (or, but for resignation, would have served) in
22 that office for eight consecutive years.

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

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

1 | general law. Special elections and referenda shall be held as
2 | provided by law.

3 | (b) If all candidates for an office have the same
4 | party affiliation and the winner will have no opposition in
5 | the general election, all qualified electors, regardless of
6 | party affiliation, may vote in the primary elections for that
7 | office.

8 | SECTION 6. Municipal and district
9 | elections.--Registration and elections in municipalities
10 | shall, and in other governmental entities created by statute
11 | may, be provided by law.

12 | SECTION 7. Campaign spending limits and funding of
13 | campaigns for elective statewide ~~state-wide~~ office.--It is the
14 | policy of this state to provide for state-wide elections in
15 | which all qualified candidates may compete effectively. A
16 | method of public financing for campaigns for state-wide office
17 | shall be established by law. Spending limits shall be
18 | established for such campaigns for candidates who use public
19 | funds in their campaigns. The legislature shall provide
20 | funding for this provision. General law implementing this
21 | paragraph shall be at least as protective of effective
22 | competition by a candidate who uses public funds as the
23 | general law in effect on January 1, 1998.

24 |
25 | ARTICLE VII

26 | FINANCE AND TAXATION

27 |
28 | SECTION 1. Taxation; appropriations; state expenses;
29 | state revenue limitation.--

30 | (a) No tax shall be levied except in pursuance of law.
31 | No state ad valorem taxes shall be levied upon real estate or

1 | tangible personal property. All other forms of taxation shall
2 | be preempted to the state except as provided by general law.

3 | (b) Motor vehicles, boats, airplanes, trailers,
4 | trailer coaches, and mobile homes, as defined by law, shall be
5 | subject to a license tax for their operation in the amounts
6 | and for the purposes prescribed by law, but shall not be
7 | subject to ad valorem taxes.

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

10 | (d) Provision shall be made by law for raising
11 | sufficient revenue to defray the expenses of the state for
12 | each fiscal period.

13 | (e) Except as provided herein, state revenues
14 | collected for any fiscal year shall be limited to state
15 | revenues allowed under this subsection for the prior fiscal
16 | year plus an adjustment for growth. As used in this
17 | subsection, "growth" means an amount equal to the average
18 | annual rate of growth in Florida personal income over the most
19 | recent twenty quarters times the state revenues allowed under
20 | this subsection for the prior fiscal year. ~~For the 1995-1996~~
21 | ~~fiscal year, the state revenues allowed under this subsection~~
22 | ~~for the prior fiscal year shall equal the state revenues~~
23 | ~~collected for the 1994-1995 fiscal year.~~ Florida personal
24 | income shall be determined by the legislature, from
25 | information available from the United States Department of
26 | Commerce or its successor on the first day of February prior
27 | to the beginning of the fiscal year. State revenues collected
28 | for any fiscal year in excess of this limitation shall be
29 | transferred to the budget stabilization fund until the fund
30 | reaches the maximum balance specified in Article III, section
31 | 19(g) ~~of Article III~~, and thereafter shall be refunded to

1 taxpayers as provided by general law. State revenues allowed
2 under this subsection for any fiscal year may be increased by
3 a two-thirds vote of the membership of each house of the
4 legislature in a separate bill that contains no other subject
5 and that sets forth the dollar amount by which the state
6 revenues allowed will be increased. The vote may not be taken
7 less than seventy-two hours after the third reading of the
8 bill. For purposes of this subsection, "state revenues" means
9 taxes, fees, licenses, and charges for services imposed by the
10 legislature on individuals, businesses, or agencies outside
11 state government. However, "state revenues" does not include:
12 revenues that are necessary to meet the requirements set forth
13 in documents authorizing the issuance of bonds by the state;
14 revenues that are used to provide matching funds for the
15 federal Medicaid program with the exception of the revenues
16 used to support the Public Medical Assistance Trust Fund or
17 its successor program and with the exception of state matching
18 funds used to fund elective expansions made after July 1,
19 1994; proceeds from the state lottery returned as prizes;
20 receipts of the Florida Hurricane Catastrophe Fund; balances
21 carried forward from prior fiscal years; taxes, licenses,
22 fees, and charges for services imposed by local, regional, or
23 school district governing bodies; or revenue from taxes,
24 licenses, fees, and charges for services required to be
25 imposed by any amendment or revision to this constitution
26 after July 1, 1994. An adjustment to the revenue limitation
27 shall be made by general law to reflect the fiscal impact of
28 transfers of responsibility for the funding of governmental
29 functions between the state and other levels of government.
30 The legislature shall, by general law, prescribe procedures
31 necessary to administer this subsection.

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

10 SECTION 3. Taxes; exemptions.--

11 (a) All property owned by a municipality and used
12 exclusively by it for municipal or public purposes shall be
13 exempt from taxation. A municipality, owning property outside
14 the municipality, may be required by general law to make
15 payment to the taxing unit in which the property is located.
16 Such portions of property as are used predominantly for
17 educational, literary, scientific, religious, or charitable
18 purposes may be exempted by general law from taxation.

19 (b) There shall be exempt from taxation, cumulatively,
20 to every head of a family residing in this state, household
21 goods and personal effects to the value fixed by general law,
22 not less than one thousand dollars, and to every widow or
23 widower or person who is blind or totally and permanently
24 disabled, property to the value fixed by general law not less
25 than five hundred dollars.

26 (c) Any county or municipality may, for the purpose of
27 its respective tax levy and subject to the provisions of this
28 subsection and general law, grant community and economic
29 development ad valorem tax exemptions to new businesses and
30 expansions of existing businesses, as defined by general law.
31 Such an exemption may be granted only by ordinance of the

1 county or municipality, and only after the electors of the
2 county or municipality voting on such question in a referendum
3 authorize the county or municipality to adopt such ordinances.
4 An exemption so granted shall apply to improvements to real
5 property made by or for the use of a new business and
6 improvements to real property related to the expansion of an
7 existing business and shall also apply to tangible personal
8 property of such new business and tangible personal property
9 related to the expansion of an existing business. The amount
10 or limits of the amount of such exemption shall be specified
11 by general law. The period of time for which such exemption
12 may be granted to a new business or expansion of an existing
13 business shall be determined by general law. The authority to
14 grant such exemption shall expire ten years from the date of
15 approval by the electors of the county or municipality, and
16 may be renewable by referendum as provided by general law.

17 (d) By general law and subject to conditions specified
18 therein, there may be granted an ad valorem tax exemption to a
19 renewable energy source device and to real property on which
20 such device is installed and operated, to the value fixed by
21 general law not to exceed the original cost of the device, and
22 for the period of time fixed by general law not to exceed ten
23 years.

24 (e) Any county or municipality may, for the purpose of
25 its respective tax levy and subject to the provisions of this
26 subsection and general law, grant historic preservation ad
27 valorem tax exemptions to owners of historic properties. This
28 exemption may be granted only by ordinance of the county or
29 municipality. The amount or limits of the amount of this
30 exemption and the requirements for eligible properties must be
31 specified by general law. The period of time for which this

1 exemption may be granted to a property owner shall be
2 determined by general law.

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

7 (a) Agricultural land, land producing high water
8 recharge to Florida's aquifers, or land used exclusively for
9 noncommercial recreational purposes may be classified by
10 general law and assessed solely on the basis of character or
11 use.

12 (b) Pursuant to general law, tangible personal
13 property held for sale as stock in trade and livestock may be
14 valued for taxation at a specified percentage of its value,
15 may be classified for tax purposes, or may be exempted from
16 taxation.

17 (c) All persons entitled to a homestead exemption
18 under section 6 ~~of this Article~~ shall have their homestead
19 assessed at just value as of January 1, 1994 ~~of the year~~
20 ~~following the effective date of this amendment~~. This
21 assessment shall change only as provided herein.

22 (1) Assessments subject to this provision shall be
23 changed annually on January 1st of each year; but those
24 changes in assessments shall not exceed the lower of the
25 following:

26 a. Three percent ~~(3%)~~ of the assessment for the prior
27 year.

28 b. The percent change in the Consumer Price Index for
29 all urban consumers, U.S. City Average, all items 1967=100, or
30 successor reports for the preceding calendar year as initially
31

1 reported by the United States Department of Labor, Bureau of
2 Labor Statistics.

3 (2) No assessment shall exceed just value.

4 (3) After any change of ownership, as provided by
5 general law, homestead property shall be assessed at just
6 value as of January 1 of the following year. Thereafter, the
7 homestead shall be assessed as provided herein.

8 (4) New homestead property shall be assessed at just
9 value as of January 1st of the year following the
10 establishment of the homestead. That assessment shall only
11 change as provided herein.

12 (5) Changes, additions, reductions, or improvements to
13 homestead property shall be assessed as provided for by
14 general law; provided, however, after the adjustment for any
15 change, addition, reduction, or improvement, the property
16 shall be assessed as provided herein.

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

19 (7) The provisions of this amendment are severable. If
20 any of the provisions of this amendment shall be held
21 unconstitutional by any court of competent jurisdiction, the
22 decision of such court shall not affect or impair any
23 remaining provisions of this amendment.

24 (d) The legislature may, by general law, for
25 assessment purposes and subject to the provisions of this
26 subsection, allow counties and municipalities to authorize by
27 ordinance that historic property may be assessed solely on the
28 basis of character or use. Such character or use assessment
29 shall apply only to the jurisdiction adopting the ordinance.
30 The requirements for eligible properties must be specified by
31 general law.

1 (e) A county may, in the manner prescribed by general
2 law, provide for a reduction in the assessed value of
3 homestead property to the extent of any increase in the
4 assessed value of that property which results from the
5 construction or reconstruction of the property for the purpose
6 of providing living quarters for one or more natural or
7 adoptive grandparents or parents of the owner of the property
8 or of the owner's spouse if at least one of the grandparents
9 or parents for whom the living quarters are provided is 62
10 years of age or older. Such a reduction may not exceed the
11 lesser of the following:

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

14 (2) Twenty percent of the total assessed value of the
15 property as improved.

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

17 (a) NATURAL PERSONS.--No tax upon estates or
18 inheritances or upon the income of natural persons who are
19 residents or citizens of the state shall be levied by the
20 state, or under its authority, in excess of the aggregate of
21 amounts that ~~which~~ may be allowed to be credited upon or
22 deducted from any similar tax levied by the United States or
23 any state.

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

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

5 ~~(c) EFFECTIVE DATE. This section shall become~~
6 ~~effective immediately upon approval by the electors of~~
7 ~~Florida.~~

8 SECTION 6. Homestead exemptions.--

9 (a) Every person who has the legal or equitable title
10 to real estate and maintains thereon the permanent residence
11 of the owner, or another legally or naturally dependent upon
12 the owner, shall be exempt from taxation thereon, except
13 assessments for special benefits, up to the assessed valuation
14 of five thousand dollars, upon establishment of right thereto
15 in the manner prescribed by law. The real estate may be held
16 by legal or equitable title, by the entirety, jointly, in
17 common, as a condominium, or indirectly by stock ownership or
18 membership representing the owner's or member's proprietary
19 interest in a corporation owning a fee or a leasehold
20 initially in excess of ninety-eight years.

21 (b) Not more than one exemption shall be allowed any
22 individual or family unit or with respect to any residential
23 unit. No exemption shall exceed the value of the real estate
24 assessable to the owner or, in case of ownership through stock
25 or membership in a corporation, the value of the proportion
26 which the interest in the corporation bears to the assessed
27 value of the property.

28 (c) By general law and subject to conditions specified
29 therein, the exemption shall be increased to a total of
30 twenty-five thousand dollars of the assessed value of the real
31 estate for each school district levy. By general law and

1 | subject to conditions specified therein, the exemption for all
2 | other levies may be increased up to an amount not exceeding
3 | ten thousand dollars of the assessed value of the real estate
4 | if the owner has attained age sixty-five or is totally and
5 | permanently disabled and if the owner is not entitled to the
6 | exemption provided in subsection (d).

7 | (d) By general law and subject to conditions specified
8 | therein, the exemption shall be increased to a total of the
9 | following amounts of assessed value of real estate for each
10 | levy other than those of school districts: fifteen thousand
11 | dollars with respect to 1980 assessments; twenty thousand
12 | dollars with respect to 1981 assessments; twenty-five thousand
13 | dollars with respect to assessments for 1982 and each year
14 | thereafter. However, such increase shall not apply with
15 | respect to any assessment roll until such roll is first
16 | determined to be in compliance with the provisions of section
17 | 4 by a state agency designated by general law. This subsection
18 | shall stand repealed on the effective date of any amendment to
19 | section 4 which provides for the assessment of homestead
20 | property at a specified percentage of its just value.

21 | (e) By general law and subject to conditions specified
22 | therein, the legislature may provide to renters, who are
23 | permanent residents, ad valorem tax relief on all ad valorem
24 | tax levies. Such ad valorem tax relief shall be in the form
25 | and amount established by general law.

26 | (f) The legislature may, by general law, allow
27 | counties or municipalities, for the purpose of their
28 | respective tax levies and subject to the provisions of general
29 | law, to grant an additional homestead tax exemption not
30 | exceeding twenty-five thousand dollars to any person who has
31 | the legal or equitable title to real estate and maintains

1 | thereon the permanent residence of the owner and who has
2 | attained age sixty-five and whose household income, as defined
3 | by general law, does not exceed twenty thousand dollars. The
4 | general law must allow counties and municipalities to grant
5 | this additional exemption, within the limits prescribed in
6 | this subsection, by ordinance adopted in the manner prescribed
7 | by general law, and must provide for the periodic adjustment
8 | of the income limitation prescribed in this subsection for
9 | changes in the cost of living.

10 | SECTION 7. Allocation of pari-mutuel taxes.--Taxes
11 | upon the operation of pari-mutuel pools may be preempted to
12 | the state or allocated in whole or in part to the counties.
13 | When allocated to the counties, the distribution shall be in
14 | equal amounts to the several counties.

15 | SECTION 8. Aid to local governments.--State funds may
16 | be appropriated to the several counties, school districts,
17 | municipalities, or special districts upon such conditions as
18 | may be provided by general law. These conditions may include
19 | the use of relative ad valorem assessment levels determined by
20 | a state agency designated by general law.

21 | SECTION 9. Local taxes.--

22 | (a) Counties, school districts, and municipalities
23 | shall, and special districts may, be authorized by law to levy
24 | ad valorem taxes and may be authorized by general law to levy
25 | other taxes, for their respective purposes, except ad valorem
26 | taxes on intangible personal property and taxes prohibited by
27 | this constitution.

28 | (b) Ad valorem taxes, exclusive of taxes levied for
29 | the payment of bonds and taxes levied for periods not longer
30 | than two years when authorized by vote of the electors who are
31 | the owners of freeholds therein not wholly exempt from

1 | taxation, shall not be levied in excess of the following
2 | millages upon the assessed value of real estate and tangible
3 | personal property: for all county purposes, ten mills; for all
4 | municipal purposes, ten mills; for all school purposes, ten
5 | mills; for water management purposes for the northwest portion
6 | of the state lying west of the line between ranges two and
7 | three east, 0.05 mill; for water management purposes for the
8 | remaining portions of the state, 1.0 mill; and for all other
9 | special districts a millage authorized by law approved by vote
10 | of the electors who are owners of freeholds therein not wholly
11 | exempt from taxation. A county furnishing municipal services
12 | may, to the extent authorized by law, levy additional taxes
13 | within the limits fixed for municipal purposes.

14 | SECTION 10. Pledging credit.--Neither the state nor
15 | any county, school district, municipality, special district,
16 | or agency of any of them~~7~~ shall become a joint owner with, or
17 | stockholder of, or give, lend~~4~~ or use its taxing power or
18 | credit to aid any corporation, association, partnership~~4~~ or
19 | person; but this shall not prohibit laws authorizing:

20 | (a) The investment of public trust funds;

21 | (b) The investment of other public funds in
22 | obligations of, or insured by, the United States or any of its
23 | instrumentalities;

24 | (c) The issuance and sale by any county, municipality,
25 | special district~~4~~ or other local governmental body of (1)
26 | revenue bonds to finance or refinance the cost of capital
27 | projects for airports or port facilities, or (2) revenue bonds
28 | to finance or refinance the cost of capital projects for
29 | industrial or manufacturing plants to the extent that the
30 | interest thereon is exempt from income taxes under the then
31 | existing laws of the United States, when, in either case, the

1 revenue bonds are payable solely from revenue derived from the
2 sale, operation, or leasing of the projects. If any project so
3 financed, or any part thereof, is occupied or operated by any
4 private corporation, association, partnership, or person
5 pursuant to contract or lease with the issuing body, the
6 property interest created by such contract or lease shall be
7 subject to taxation to the same extent as other privately
8 owned property.

9 (d) A municipality, county, special district, or
10 agency of any of them, being a joint owner of, giving, or
11 lending or using its taxing power or credit for the joint
12 ownership, construction, and operation of electrical energy
13 generating or transmission facilities with any corporation,
14 association, partnership, or person.

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

16 (a) State bonds pledging the full faith and credit of
17 the state may be issued only to finance or refinance the cost
18 of state fixed capital outlay projects authorized by law, and
19 purposes incidental thereto, upon approval by a vote of the
20 electors; provided state bonds issued pursuant to this
21 subsection may be refunded without a vote of the electors at a
22 lower net average interest cost rate. The total outstanding
23 principal of state bonds issued pursuant to this subsection
24 shall never exceed fifty percent of the total tax revenues of
25 the state for the two preceding fiscal years, excluding any
26 tax revenues held in trust under the provisions of this
27 constitution.

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

30
31

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

4 (d) Revenue bonds may be issued by the state or its
5 agencies without a vote of the electors to finance or
6 refinance the cost of state fixed capital outlay projects
7 authorized by law, and purposes incidental thereto, and shall
8 be payable solely from funds derived directly from sources
9 other than state tax revenues.

10 (e) Bonds pledging all or part of a dedicated state
11 tax revenue may be issued by the state in the manner provided
12 by general law to finance or refinance the acquisition and
13 improvement of land, water areas, and related property
14 interests and resources for the purposes of conservation,
15 outdoor recreation, water resource development, restoration of
16 natural systems, and historic preservation.

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

21 SECTION 12. Local bonds.--Counties, school districts,
22 municipalities, special districts, and local governmental
23 bodies with taxing powers may issue bonds, certificates of
24 indebtedness, or any form of tax anticipation certificates,
25 payable from ad valorem taxation and maturing more than twelve
26 months after issuance only:

27 (a) To finance or refinance capital projects
28 authorized by law and only when approved by vote of the
29 electors who are owners of freeholds therein not wholly exempt
30 from taxation; or
31

1 (b) To refund outstanding bonds and interest and
2 redemption premium thereon at a lower net average interest
3 cost rate.

4 SECTION 13. Relief from illegal taxes.--Until payment
5 of all taxes which have been legally assessed upon the
6 property of the same owner, no court shall grant relief from
7 the payment of any tax that may be illegal or illegally
8 assessed.

9 SECTION 14. Bonds for pollution control and abatement
10 and other water facilities.--

11 (a) When authorized by law, state bonds pledging the
12 full faith and credit of the state may be issued without an
13 election to finance the construction of air and water
14 pollution control and abatement and solid waste disposal
15 facilities and other water facilities authorized by general
16 law (herein referred to as "facilities") to be operated by any
17 municipality, county, district or authority, or any agency
18 thereof (herein referred to as "local governmental agencies"),
19 or by any agency of the State of Florida. Such bonds shall be
20 secured by a pledge of and shall be payable primarily from all
21 or any part of revenues to be derived from operation of such
22 facilities, special assessments, rentals to be received under
23 lease-purchase agreements herein provided for, any other
24 revenues that may be legally available for such purpose,
25 including revenues from other facilities, or any combination
26 thereof (herein collectively referred to as "pledged
27 revenues"), and shall be additionally secured by the full
28 faith and credit of the State of Florida.

29 (b) No such bonds shall be issued unless a state
30 fiscal agency, created by law, has made a determination that
31 in no state fiscal year will the debt service requirements of

1 | the bonds proposed to be issued and all other bonds secured by
2 | the pledged revenues exceed seventy-five percent ~~per cent~~ of
3 | the pledged revenues.

4 | (c) The state may lease any of such facilities to any
5 | local governmental agency, under lease-purchase agreements for
6 | such periods and under such other terms and conditions as may
7 | be mutually agreed upon. The local governmental agencies may
8 | pledge the revenues derived from such leased facilities or any
9 | other available funds for the payment of rentals thereunder;
10 | and, in addition, the full faith and credit and taxing power
11 | of such local governmental agencies may be pledged for the
12 | payment of such rentals without any election of freeholder
13 | electors or qualified electors.

14 | (d) The state may also issue such bonds for the
15 | purpose of loaning money to local governmental agencies, for
16 | the construction of such facilities to be owned or operated by
17 | any of such local governmental agencies. Such loans shall bear
18 | interest at not more than one-half of one percent ~~per cent~~ per
19 | annum greater than the last preceding issue of state bonds
20 | pursuant to this section, shall be secured by the pledged
21 | revenues, and may be additionally secured by the full faith
22 | and credit of the local governmental agencies.

23 | (e) The total outstanding principal of state bonds
24 | issued pursuant to this section ~~14~~ shall never exceed fifty
25 | percent ~~per cent~~ of the total tax revenues of the state for
26 | the two preceding fiscal years.

27 | SECTION 15. Revenue bonds for scholarship loans.--

28 | (a) When authorized by law, revenue bonds may be
29 | issued to establish a fund to make loans to students
30 | determined eligible as prescribed by law and who have been
31 | admitted to attend any public or private institutions of

1 higher learning, junior colleges, health related training
2 institutions, or vocational training centers, which are
3 recognized or accredited under terms and conditions prescribed
4 by law. Revenue bonds issued pursuant to this section shall be
5 secured by a pledge of and shall be payable primarily from
6 payments of interest, principal, and handling charges to such
7 fund from the recipients of the loans and, if authorized by
8 law, may be additionally secured by student fees and by any
9 other moneys in such fund. There shall be established from the
10 proceeds of each issue of revenue bonds a reserve account in
11 an amount equal to and sufficient to pay the greatest amount
12 of principal, interest, and handling charges to become due on
13 such issue in any ensuing state fiscal year.

14 (b) Interest moneys in the fund established pursuant
15 to this section, not required in any fiscal year for payment
16 of debt service on then outstanding revenue bonds or for
17 maintenance of the reserve account, may be used for
18 educational loans to students determined to be eligible
19 therefor in the manner provided by law, or for such other
20 related purposes as may be provided by law.

21 SECTION 16. Bonds for housing and related
22 facilities.--

23 (a) When authorized by law, revenue bonds may be
24 issued without an election to finance or refinance housing and
25 related facilities in Florida, herein referred to as
26 "facilities."

27 (b) The bonds shall be secured by a pledge of and
28 shall be payable primarily from all or any part of revenues to
29 be derived from the financing, operation, or sale of such
30 facilities, mortgage or loan payments, and any other revenues
31 or assets that may be legally available for such purposes

1 derived from sources other than ad valorem taxation, including
2 revenues from other facilities, or any combination thereof,
3 herein collectively referred to as "pledged revenues,"
4 provided that in no event shall the full faith and credit of
5 the state be pledged to secure such revenue bonds.

6 (c) No bonds shall be issued unless a state fiscal
7 agency, created by law, has made a determination that in no
8 state fiscal year will the debt service requirements of the
9 bonds proposed to be issued and all other bonds secured by the
10 same pledged revenues exceed the pledged revenues available
11 for payment of such debt service requirements, as defined by
12 law.

13 SECTION 17. Bonds for acquiring transportation
14 right-of-way or for constructing bridges.--

15 (a) When authorized by law, state bonds pledging the
16 full faith and credit of the state may be issued, without a
17 vote of the electors, to finance or refinance the cost of
18 acquiring real property or the rights to real property for
19 state roads as defined by law~~7~~ or to finance or refinance the
20 cost of state bridge construction~~7~~ and purposes incidental to
21 such property acquisition or state bridge construction.

22 (b) Bonds issued under this section shall be secured
23 by a pledge of and shall be payable primarily from motor fuel
24 or special fuel taxes, except those defined in Article XII,
25 section ~~7(c)~~ ~~9(c)~~ of ~~Article XII~~, as provided by law, and
26 shall additionally be secured by the full faith and credit of
27 the state.

28 (c) No bonds shall be issued under this section unless
29 a state fiscal agency, created by law, has made a
30 determination that in no state fiscal year will the debt
31 service requirements of the bonds proposed to be issued and

1 all other bonds secured by the same pledged revenues exceed
2 ninety percent of the pledged revenues available for payment
3 of such debt service requirements, as defined by law. For the
4 purposes of this subsection, the term "pledged revenues" means
5 all revenues pledged to the payment of debt service, excluding
6 any pledge of the full faith and credit of the state.

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

10 (a) No county or municipality shall be bound by any
11 general law requiring such county or municipality to spend
12 funds or to take an action requiring the expenditure of funds
13 unless the legislature has determined that such law fulfills
14 an important state interest and unless: funds have been
15 appropriated that have been estimated at the time of enactment
16 to be sufficient to fund such expenditure; the legislature
17 authorizes or has authorized a county or municipality to enact
18 a funding source not available for such county or municipality
19 on February 1, 1989, that can be used to generate the amount
20 of funds estimated to be sufficient to fund such expenditure
21 by a simple majority vote of the governing body of such county
22 or municipality; the law requiring such expenditure is
23 approved by two-thirds of the membership in each house of the
24 legislature; the expenditure is required to comply with a law
25 that applies to all persons similarly situated, including the
26 state and local governments; or the law is either required to
27 comply with a federal requirement or required for eligibility
28 for a federal entitlement, which federal requirement
29 specifically contemplates actions by counties or
30 municipalities for compliance.

31

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

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

27 (d) Laws adopted to require funding of pension
28 benefits existing on January 8, 1991; ~~the effective date of~~
29 ~~this section~~; criminal laws;; election laws;; the general
30 appropriations act;; special appropriations acts;; laws
31 reauthorizing but not expanding then-existing statutory

1 authority; l laws having insignificant fiscal impact; l and laws
2 creating, modifying, or repealing noncriminal infractions l are
3 exempt from the requirements of this section.

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

6
7 ARTICLE VIII
8 LOCAL GOVERNMENT

9
10 SECTION 1. Counties.--

11 (a) POLITICAL SUBDIVISIONS.--The state shall be
12 divided by law into political subdivisions called counties.
13 Counties may be created, abolished, l or changed by law, with
14 provision for payment or apportionment of the public debt.

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

17 (c) GOVERNMENT.--Pursuant to general or special law, a
18 county government may be established by charter that ~~which~~
19 shall be adopted, amended, l or repealed only upon vote of the
20 electors of the county in a special election called for that
21 purpose.

22 (d) COUNTY OFFICERS.--There shall be elected by the
23 electors of each county, for terms of four years, a sheriff, a
24 tax collector, a property appraiser, a supervisor of
25 elections, and a clerk of the circuit court; except, when
26 provided by county charter or special law approved by vote of
27 the electors of the county, any county officer may be chosen
28 in another manner therein specified, or any county office may
29 be abolished when all the duties of the office prescribed by
30 general law are transferred to another office. When not
31 otherwise provided by county charter or special law approved

1 | by vote of the electors, the clerk of the circuit court shall
2 | be ex officio clerk of the board of county commissioners,
3 | auditor, recorder, and custodian of all county funds.

4 | (e) COMMISSIONERS.--Except when otherwise provided by
5 | county charter, the governing body of each county shall be a
6 | board of county commissioners composed of five or seven
7 | members serving staggered terms of four years. After each
8 | decennial census, the board of county commissioners shall
9 | divide the county into districts of contiguous territory as
10 | nearly equal in population as practicable. One commissioner
11 | residing in each district shall be elected as provided by law.

12 | (f) NON-CHARTER GOVERNMENT.--Counties not operating
13 | under county charters shall have such power of self-government
14 | as is provided by general or special law. The board of county
15 | commissioners of a county not operating under a charter may
16 | enact, in a manner prescribed by general law, county
17 | ordinances not inconsistent with general or special law, but
18 | an ordinance in conflict with a municipal ordinance shall not
19 | be effective within the municipality to the extent of such
20 | conflict.

21 | (g) CHARTER GOVERNMENT.--Counties operating under
22 | county charters shall have all powers of local self-government
23 | not inconsistent with general law, or with special law
24 | approved by vote of the electors. The governing body of a
25 | county operating under a charter may enact county ordinances
26 | not inconsistent with general law. The charter shall provide
27 | which shall prevail in the event of conflict between county
28 | and municipal ordinances.

29 | (h) TAXES; LIMITATION.--Property situate within
30 | municipalities shall not be subject to taxation for services
31 |

1 rendered by the county exclusively for the benefit of the
2 property or residents in unincorporated areas.

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

7 (j) VIOLATION OF ORDINANCES.--Persons violating county
8 ordinances shall be prosecuted and punished as provided by
9 law.

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

20 SECTION 2. Municipalities.--

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

25 (b) POWERS.--Municipalities shall have governmental,
26 corporate, and proprietary powers to enable them to conduct
27 municipal government, perform municipal functions and render
28 municipal services, and may exercise any power for municipal
29 purposes except as otherwise provided by law. Each municipal
30 legislative body shall be elective.

31

1 (c) ANNEXATION.--Municipal annexation of
2 unincorporated territory, merger of municipalities, and
3 exercise of extra-territorial powers by municipalities shall
4 be as provided by general or special law.

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

17 SECTION 4. Transfer of powers.--By law or by
18 resolution of the governing bodies of each of the governments
19 affected, any function or power of a county, municipalityor
20 special district may be transferred to or contracted to be
21 performed by another county, municipalityor special
22 district, after approval by vote of the electors of the
23 transferor and approval by vote of the electors of the
24 transferee, or as otherwise provided by law.

25 SECTION 5. Local option.--

26 (a) Local option on the legality or prohibition of the
27 sale of intoxicating liquors, winesor beers shall be
28 preserved to each county. The status of a county with respect
29 thereto shall be changed only by vote of the electors in a
30 special election called upon the petition of twenty-five
31 percent ~~per cent~~ of the electors of the county, and not sooner

1 | than two years after an earlier election on the same question.
2 | Where legal, the sale of intoxicating liquors, wines, and
3 | beers shall be regulated by law.

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

15 | SECTION 6. Schedule to Article VIII.--

16 | (a) APPLICABILITY TO FORMER ARTICLE.--This article
17 | shall replace all of Article VIII of the constitution of 1885,
18 | as amended, except those sections expressly retained and made
19 | a part of this article by reference.

20 | (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES;
21 | DISTRICTS.--The status of the following items as they exist on
22 | the date this article becomes effective is recognized and
23 | shall be continued until changed in accordance with law: the
24 | counties of the state; their status with respect to the
25 | legality of the sale of intoxicating liquors, wines, and
26 | beers; the method of selection of county officers; the
27 | performance of municipal functions by county officers; the
28 | county seats; and the municipalities and special districts of
29 | the state, their powers, jurisdiction, and government.

30 | ~~(c) OFFICERS TO CONTINUE IN OFFICE. Every person~~
31 | ~~holding office when this article becomes effective shall~~

1 ~~continue in office for the remainder of the term if that~~
2 ~~office is not abolished. If the office is abolished the~~
3 ~~incumbent shall be paid adequate compensation, to be fixed by~~
4 ~~law, for the loss of emoluments for the remainder of the term.~~

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

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

22 (e)~~(f)~~ DADE COUNTY; POWERS CONFERRED UPON
23 MUNICIPALITIES.--To the extent not inconsistent with the
24 powers of existing municipalities or general law, the
25 Metropolitan Government of Dade County may exercise all the
26 powers conferred now or hereafter by general law upon
27 municipalities.

28 (f)~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.--The
29 legislature shall have power, by joint resolution, to delete
30 from this article any subsection of this section ~~6~~, including
31 this subsection, when all events to which the subsection to be

1 deleted is or could become applicable have occurred. A
2 legislative determination of fact made as a basis for
3 application of this subsection shall be subject to judicial
4 review.

5
6 ARTICLE IX
7 EDUCATION
8

9 SECTION 1. Public education.--

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

24 (1) The maximum number of students who are assigned to
25 each teacher who is teaching in public school classrooms for
26 prekindergarten through grade 3 does not exceed 18 students;

27 (2) The maximum number of students who are assigned to
28 each teacher who is teaching in public school classrooms for
29 grades 4 through 8 does not exceed 22 students; and
30
31

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

4
5 The class size requirements of this subsection do not apply to
6 extracurricular classes. Payment of the costs associated with
7 reducing class size to meet these requirements is the
8 responsibility of the state and not of local school ~~schools~~
9 districts. ~~Beginning with the 2003-2004 fiscal year,~~ The
10 legislature shall provide sufficient funds to reduce the
11 average number of students in each classroom by at least two
12 students per year until the maximum number of students per
13 classroom does not exceed the requirements of this subsection.

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

27 (c) The early childhood education and development
28 programs provided by reason of subsection ~~subparagraph~~ (b)
29 shall be implemented ~~no later than the beginning of the 2005~~
30 ~~school year~~ through funds generated in addition to those used
31 for existing education, health, and development programs.

1 Existing education, health, and development programs are those
2 funded by the state as of January 1, 2002, that provided for
3 child or adult education, health care, or development.

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

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

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

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

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

28 SECTION 5. Superintendent of schools.--In each school
29 district, + there shall be a superintendent of schools who shall
30 be elected at the general election in each year the number of
31 which is a multiple of four for a term of four years; or, when

1 provided by resolution of the district school board, or by
2 special law, approved by vote of the electors, the district
3 school superintendent in any school district shall be employed
4 by the district school board as provided by general law. The
5 resolution or special law may be rescinded or repealed by
6 either procedure after four years.

7 SECTION 6. State school fund.--The income derived from
8 the state school fund shall, and the principal of the fund
9 may, be appropriated, but only to the support and maintenance
10 of free public schools.

11 SECTION 7. State University System.--

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

18 (b) STATE UNIVERSITY SYSTEM. There shall be a single
19 state university system comprised of all public universities.
20 A board of trustees shall administer each public university
21 and a board of governors shall govern the state university
22 system.

23 (c) LOCAL BOARDS OF TRUSTEES. Each local constituent
24 university shall be administered by a board of trustees
25 consisting of thirteen members dedicated to the purposes of
26 the state university system. The board of governors shall
27 establish the powers and duties of the boards of trustees.
28 Each board of trustees shall consist of six citizen members
29 appointed by the governor and five citizen members appointed
30 by the board of governors. The appointed members shall be
31 confirmed by the senate and serve staggered terms of five

1 | years as provided by law. The chair of the faculty senate, or
2 | the equivalent, and the president of the student body of the
3 | university shall also be members.

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

25 |
26 | ARTICLE X

27 | MISCELLANEOUS

28 |
29 | ~~SECTION 1. Amendments to United States~~

30 | ~~Constitution. The legislature shall not take action on any~~
31 | ~~proposed amendment to the Constitution of the United States~~

1 ~~unless a majority of the members thereof have been elected~~
2 ~~after the proposed amendment has been submitted for~~
3 ~~ratification.~~

4 SECTION 1 ~~2~~. Militia.--

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

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

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

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

23 SECTION 2 ~~3~~. Vacancy in office.--Vacancy in office
24 shall occur upon the creation of an office, upon the death,
25 removal from office, or resignation of the incumbent or the
26 incumbent's succession to another office, unexplained absence
27 for sixty consecutive days, or failure to maintain the
28 residence required when elected or appointed, and upon failure
29 of one elected or appointed to office to qualify within thirty
30 days from the commencement of the term.

31 SECTION 3 ~~4~~. Homestead; exemptions.--

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

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

16 (2) Personal property to the value of one thousand
17 dollars.

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

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

29 ~~SECTION 5. Coverture and property. There shall be no~~
30 ~~distinction between married women and married men in the~~
31 ~~holding, control, disposition, or encumbering of their~~

1 ~~property, both real and personal; except that dower or curtesy~~
2 ~~may be established and regulated by law.~~

3 SECTION ~~4~~ 6. Eminent domain.--

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

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

11 SECTION ~~5~~ 7. Lotteries.--Lotteries, other than the
12 types of pari-mutuel pools authorized by law as of January 7,
13 ~~1969 the effective date of this constitution,~~ are hereby
14 prohibited in this state.

15 SECTION ~~6~~ 8. Census.--

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

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

23 SECTION ~~7~~ 9. Repeal of criminal statutes.--Repeal or
24 amendment of a criminal statute shall not affect prosecution
25 or punishment for any crime previously committed.

26 SECTION ~~8~~ 10. Felony; definition.--The term "felony_{,"}
27 as used herein and in the laws of this state_{,"} shall mean any
28 criminal offense that is punishable under the laws of this
29 state, or that would be punishable if committed in this state,
30 by death or by imprisonment in the state penitentiary.

31

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

10 SECTION 10 ~~12~~. Rules of construction.--Unless
11 qualified in the text, the following rules of construction
12 shall apply to this constitution.

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

14 (b) The singular includes the plural.

15 (c) The masculine includes the feminine.

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

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

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

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

28 (h) Titles and subtitles shall not be used in
29 construction.

30
31

1 SECTION 11 ~~13~~. Suits against the state.--Provision may
2 be made by general law for bringing suit against the state as
3 to all liabilities now existing or hereafter originating.

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

12 SECTION 13 ~~15~~. State operated lotteries.--

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

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

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

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

25 SECTION 14 ~~16~~. Limiting marine net fishing.--

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

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

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

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 15 ~~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

1 (d) For purposes of this section ~~subsection~~, the terms
2 "Everglades Protection Area," "Everglades Agricultural Area,"
3 and "South Florida Water Management District" shall have the
4 meanings as defined in statutes in effect on January 1, 1996.

5 SECTION 16 ~~18~~. Disposition of conservation lands.--The
6 fee interest in real property held by an entity of the state
7 and designated for natural resources conservation purposes as
8 provided by general law shall be managed for the benefit of
9 the citizens of this state and may be disposed of only if the
10 members of the governing board of the entity holding title
11 determine the property is no longer needed for conservation
12 purposes and only upon a vote of two-thirds of the governing
13 board.

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

1 ~~system, and the operation of the system, as provided by~~
2 ~~specific appropriation and by law, with construction to begin~~
3 ~~on or before November 1, 2003.~~

4 SECTION 17 ~~20~~. Workplaces without tobacco smoke.--

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

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

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

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

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

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

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

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

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

31

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

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

23 (d) LEGISLATION. ~~--In the next regular legislative~~
24 ~~session occurring after voter approval of this amendment,~~ The
25 Florida legislature shall adopt legislation to implement this
26 amendment in a manner consistent with its broad purpose and
27 stated terms, ~~and having an effective date no later than July~~
28 ~~1 of the year following voter approval.~~ Such legislation shall
29 include, without limitation, civil penalties for violations of
30 this section; provisions for administrative enforcement; and
31 the requirement and authorization of agency rules for

1 implementation and enforcement. Nothing herein shall preclude
2 the legislature from enacting any law constituting or allowing
3 a more restrictive regulation of tobacco smoking than is
4 provided in this section.

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

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

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

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

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

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

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

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

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

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

2 ~~(5) "Turning around freely" means turning around~~
3 ~~without having to touch any side of the pig's enclosure.~~

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

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

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

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

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

30 SECTION 18 ~~22~~. Parental notice of termination of a
31 minor's pregnancy.--The legislature shall not limit or deny

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

11 | SECTION ~~19~~ 23. Slot machines.--

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

28 | (b) ~~In the next regular Legislative session occurring~~
29 | ~~after voter approval of this constitutional amendment~~, The
30 | legislature shall adopt legislation implementing this section
31 | ~~and having an effective date no later than July 1 of the year~~

1 ~~following voter approval of this amendment.~~ Such legislation
2 shall authorize agency rules for implementation, and may
3 include provisions for the licensure and regulation of slot
4 machines. The legislature may tax slot machine revenues, and
5 any such taxes must supplement public education funding
6 statewide.

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

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

13 SECTION 20 24. Florida minimum wage.--

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

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

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

1 | by the rate of inflation during the twelve months prior to
2 | each September 1st using the consumer price index for urban
3 | wage earners and clerical workers, CPI-W, or a successor index
4 | as calculated by the United States Department of Labor. Each
5 | adjusted Minimum Wage rate calculated shall be published and
6 | take effect on the following January 1st. For tipped Employees
7 | meeting eligibility requirements for the tip credit under the
8 | FLSA, Employers may credit towards satisfaction of the Minimum
9 | Wage tips up to the amount of the allowable FLSA tip credit in
10 | 2003.

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

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

1 | this amendment shall also be subject to a fine payable to the
2 | state in the amount of \$1000.00 for each violation. The state
3 | attorney general or other official designated by the state
4 | legislature may also bring a civil action to enforce this
5 | amendment. Actions to enforce this amendment shall be subject
6 | to a statute of limitations of four years or, in the case of
7 | willful violations, five years. Such actions may be brought as
8 | a class action pursuant to Rule 1.220 of the Florida Rules of
9 | Civil Procedure.

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

31 |

1 (g) SEVERABILITY. If any part of this amendment, or
2 the application of this amendment to any person or
3 circumstance, is held invalid, the remainder of this
4 amendment, including the application of such part to other
5 persons or circumstances, shall not be affected by such a
6 holding and shall continue in full force and effect. To this
7 end, the parts of this amendment are severable.

8 ~~SECTION 25. Patients' right to know about adverse~~
9 ~~medical incidents.—~~

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

15 ~~(b) In providing such access, the identity of patients~~
16 ~~involved in the incidents shall not be disclosed, and any~~
17 ~~privacy restrictions imposed by federal law shall be~~
18 ~~maintained.—~~

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

21 ~~(1) The phrases "health care facility" and "health~~
22 ~~care provider" have the meaning given in general law related~~
23 ~~to a patient's rights and responsibilities.—~~

24 ~~(2) The term "patient" means an individual who has~~
25 ~~sought, is seeking, is undergoing, or has undergone care or~~
26 ~~treatment in a health care facility or by a health care~~
27 ~~provider.—~~

28 ~~(3) The phrase "adverse medical incident" means~~
29 ~~medical negligence, intentional misconduct, and any other act,~~
30 ~~neglect, or default of a health care facility or health care~~
31 ~~provider that caused or could have caused injury to or death~~

1 ~~of a patient, including, but not limited to, those incidents~~
2 ~~that are required by state or federal law to be reported to~~
3 ~~any governmental agency or body, and incidents that are~~
4 ~~reported to or reviewed by any health care facility peer~~
5 ~~review, risk management, quality assurance, credentials, or~~
6 ~~similar committee, or any representative of any such~~
7 ~~committees.~~

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

16 ~~SECTION 26. Prohibition of medical license after~~
17 ~~repeated medical malpractice.—~~

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

22 ~~(b) For purposes of this section, the following terms~~
23 ~~have the following meanings:~~

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

31

1 commission shall be filled in the same manner as the original
2 appointments.

3 (c) Each constitution revision commission shall
4 convene at the call of its chair, adopt its rules of
5 procedure, examine the constitution of the state, hold public
6 hearings, and, not later than one hundred eighty days prior to
7 the next general election, file with the custodian of state
8 records its proposal, if any, of a revision of this
9 constitution or any part of it.

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

24 SECTION 4. Constitutional convention.--

25 (a) The power to call a convention to consider a
26 revision of the entire constitution is reserved to the people.
27 It may be invoked by filing with the custodian of state
28 records a petition, containing a declaration that a
29 constitutional convention is desired, signed by a number of
30 electors in each of one half of the congressional districts of
31 the state, and of the state as a whole, equal to fifteen

1 percent ~~per cent~~ of the votes cast in each such district
2 respectively and in the state as a whole in the last preceding
3 election of presidential electors.

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

18 SECTION 5. Amendment or revision election.--

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

30 (b) A proposed amendment or revision of this
31 constitution, or any part of it, by initiative shall be

1 submitted to the electors at the general election provided the
2 initiative petition is filed with the custodian of state
3 records no later than February 1 of the year in which the
4 general election is held.

5 (c) The legislature shall provide by general law,
6 prior to the holding of an election pursuant to this section,
7 for the provision of a statement to the public regarding the
8 probable financial impact of any amendment proposed by
9 initiative pursuant to section 3.

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

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

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

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

26 (1) Eleven members selected by the governor, none of
27 whom shall be a member of the legislature at the time of
28 appointment.

29 (2) Seven members selected by the speaker of the house
30 of representatives and seven members selected by the president
31

1 of the senate, none of whom shall be a member of the
2 legislature at the time of appointment.

3 (3) Four nonvoting ~~non-voting~~ ex officio members, all
4 of whom shall be members of the legislature at the time of
5 appointment. Two of these members, one of whom shall be a
6 member of the minority party in the house of representatives,
7 shall be selected by the speaker of the house of
8 representatives, and two of these members, one of whom shall
9 be a member of the minority party in the senate, shall be
10 selected by the president of the senate.

11 (b) Vacancies in the membership of the commission
12 shall be filled in the same manner as the original
13 appointments.

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

22 (d) The commission shall examine the state budgetary
23 process, the revenue needs and expenditure processes of the
24 state, the appropriateness of the tax structure of the state,
25 and governmental productivity and efficiency; review policy as
26 it relates to the ability of state and local government to tax
27 and adequately fund governmental operations and capital
28 facilities required to meet the state's needs during the next
29 twenty year period; determine methods favored by the citizens
30 of the state to fund the needs of the state, including
31 alternative methods for raising sufficient revenues for the

1 needs of the state; determine measures that could be
2 instituted to effectively gather funds from existing tax
3 sources; examine constitutional limitations on taxation and
4 expenditures at the state and local level; and review the
5 state's comprehensive planning, budgeting, and needs
6 assessment processes to determine whether the resulting
7 information adequately supports a strategic decisionmaking
8 process.

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

21 SECTION 7. Tax or fee limitation.--Notwithstanding
22 Article X, section 12(d) ~~of this constitution~~, no new state
23 tax or fee shall be imposed on or after November 8, 1994, by
24 any amendment to this constitution unless the proposed
25 amendment is approved by not fewer than two-thirds of the
26 voters voting in the election in which such proposed amendment
27 is considered. For purposes of this section, the phrase "new
28 state tax or fee" shall mean any tax or fee that ~~which~~ would
29 produce revenue subject to lump sum or other appropriation by
30 the legislature, either for the state general revenue fund or
31 any trust fund, which tax or fee is not in effect on November

1 7, 1994, including without limitation such taxes and fees as
2 are the subject of proposed constitutional amendments
3 appearing on the ballot on November 8, 1994. This section
4 shall apply to proposed constitutional amendments relating to
5 state taxes or fees that ~~which~~ appear on the November 8, 1994,
6 ballot, or later ballots, and any such proposed amendment that
7 ~~which~~ fails to gain the two-thirds vote required hereby shall
8 be null, void, and without effect.

9

10

ARTICLE XII

11

SCHEDULE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

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

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

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

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

1 SECTION ~~3~~ 5. Superintendent of schools.--

2 ~~(a) On the effective date of this revision the county~~
3 ~~superintendent of public instruction of each county shall~~
4 ~~become and, for the remainder of the term being served, shall~~
5 ~~be the superintendent of schools of that district.~~

6 ~~(b)~~ The method of selection of the county
7 superintendent of public instruction of each county, as
8 provided by or under the constitution of 1885, as amended,
9 shall apply to the selection of the district superintendent of
10 schools until changed as herein provided.

11 SECTION ~~4~~ 6. Laws preserved.--

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

15 (b) All statutes that ~~which~~, under the constitution of
16 1885, as amended, apply to the state superintendent of public
17 instruction and those that ~~which~~ apply to the county
18 superintendent of public instruction shall under this revision
19 apply, respectively, to the state commissioner of education
20 and the district superintendent of schools.

21 SECTION ~~5~~ 7. Rights reserved.--

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

31

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

5 SECTION 6 ~~8~~. Public debts recognized.--All bonds,
6 revenue certificates, revenue bonds, and tax anticipation
7 certificates issued pursuant to the constitution of 1885, as
8 amended by the state, any agency, political subdivision, or
9 public corporation of the state shall remain in full force and
10 effect and shall be secured by the same sources of revenue as
11 before the adoption of this revision, and, to the extent
12 necessary to effectuate this section, the applicable
13 provisions of the constitution of 1885, as amended, are
14 retained as a part of this revision until payment in full of
15 these public securities.

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

17 (a) ADDITIONAL SECURITIES.--

18 (1) Article IX, section 17, of the constitution of
19 1885, as amended, as it existed immediately before this
20 Constitution, as revised in 1968, became effective, is adopted
21 by this reference as a part of this revision as completely as
22 though incorporated herein verbatim, except revenue bonds,
23 revenue certificates, or other evidences of indebtedness
24 hereafter issued thereunder may be issued by the agency of the
25 state so authorized by law.

26 (2)a. That portion of Article XII, section 7(a), ~~9~~
27 ~~Subsection (a)~~ of this Constitution, as amended, which by
28 reference adopted Article XII, section 19, of the constitution
29 of 1885, as amended, as the same existed immediately before
30 the effective date of this amendment is adopted by this
31 reference as part of this revision as completely as though

1 incorporated herein verbatim, for the purpose of providing
2 that after the effective date of this amendment all of the
3 proceeds of the revenues derived from the gross receipts
4 taxes, as therein defined, collected in each year shall be
5 applied as provided therein to the extent necessary to comply
6 with all obligations to or for the benefit of holders of bonds
7 or certificates issued before the effective date of this
8 amendment or any refundings thereof ~~that which~~ are secured by
9 such gross receipts taxes. No bonds or other obligations may
10 be issued pursuant to the provisions of Article XII, section
11 19, of the constitution of 1885, as amended, but this
12 provision shall not be construed to prevent the refunding of
13 any such outstanding bonds or obligations pursuant to the
14 provisions of this paragraph ~~subsection (a)(2)~~.

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

26 c. The capital outlay fund shall be administered by
27 the state board of education as created and constituted by
28 Article IX, section 2, ~~of Article IX of this the~~ constitution
29 ~~of Florida as revised in 1968~~ (hereinafter referred to as
30 "state board"), or by such other instrumentality of the state
31 ~~that which~~ shall hereafter succeed by law to the powers,

1 duties, and functions of the state board, including the
2 powers, duties, and functions of the state board provided in
3 this paragraph ~~subsection (a)(2)~~. The state board shall be a
4 body corporate and shall have all the powers provided herein
5 in addition to all other constitutional and statutory powers
6 related to the purposes of this paragraph ~~subsection (a)(2)~~
7 heretofore or hereafter conferred by law upon the state board,
8 or its predecessor created by the constitution of 1885, as
9 amended.

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

28 e. Bonds issued pursuant to this paragraph ~~subsection~~
29 ~~(a)(2)~~ shall be primarily payable from such revenues derived
30 from gross receipts taxes, and shall be additionally secured
31 by the full faith and credit of the state. No such bonds shall

1 ever be issued in an amount exceeding ninety percent of the
2 amount ~~that~~ ~~which~~ the state board determines can be serviced
3 by the revenues derived from the gross receipts taxes accruing
4 thereafter under the provisions of this ~~paragraph~~ ~~subsection~~
5 ~~(a)(2)~~, and such determination shall be conclusive.

6 f. The moneys in the capital outlay fund in each
7 fiscal year shall be used only for the following purposes and
8 in the following order of priority:

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

11 ~~2.b.~~ For the deposit into any reserve funds provided
12 for in the proceedings authorizing the issuance of bonds of
13 any amounts required to be deposited in such reserve funds in
14 such fiscal year;

15 ~~3.c.~~ For direct payment of the cost or any part of the
16 cost of any capital project for the state system theretofore
17 authorized by the legislature, or for the purchase or
18 redemption of outstanding bonds in accordance with the
19 provisions of the proceedings ~~that~~ ~~which~~ authorized the
20 issuance of such bonds, or for the purpose of maintaining,
21 restoring, or repairing existing public educational
22 facilities.

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

1 (c) MOTOR VEHICLE FUEL TAXES.--

2 (1) A state tax, designated "second gas tax," of two
3 cents per gallon upon gasoline and other like products of
4 petroleum and an equivalent tax upon other sources of energy
5 used to propel motor vehicles as levied by Article IX, section
6 16, of the constitution of 1885, as amended, is hereby
7 continued. The proceeds of said tax shall be placed monthly in
8 the state roads distribution fund in the state treasury.

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

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

30 (4) Subject to the requirements of paragraph (2) ~~of~~
31 ~~this subsection~~ and after payment of administrative expenses,

1 | the "second gas tax" shall be allocated to the account of each
2 | of the several counties in the amounts to be determined as
3 | follows: There shall be an initial allocation of one-fourth in
4 | the ratio of county area to state area, one-fourth in the
5 | ratio of the total county population to the total population
6 | of the state in accordance with the latest available federal
7 | census, and one-half in the ratio of the total "second gas
8 | tax" collected on retail sales or use in each county to the
9 | total collected in all counties of the state during the
10 | previous fiscal year. If the annual debt service requirements
11 | of any obligations issued for any county, including any
12 | deficiencies for prior years, secured under paragraph (2) ~~of~~
13 | ~~this subsection~~, exceeds the amount that ~~which~~ would be
14 | allocated to that county under the formula set out in this
15 | paragraph, the amounts allocated to other counties shall be
16 | reduced proportionately.

17 | (5) Funds allocated under paragraphs (2) and (4) ~~of~~
18 | ~~this subsection~~ shall be administered by the state board of
19 | administration created under Article IV, section 4. The board
20 | shall remit the proceeds of the "second gas tax" in each
21 | county account for use in said county as follows: eighty
22 | percent ~~per cent~~ to the state agency supervising the state
23 | road system and twenty percent ~~per cent~~ to the governing body
24 | of the county. The percentage allocated to the county may be
25 | increased by general law. The proceeds of the "second gas tax"
26 | subject to allocation to the several counties under this
27 | paragraph~~(5)~~ shall be used first, for the payment of
28 | obligations pledging revenues allocated pursuant to Article
29 | IX, section 16, of the constitution of 1885, as amended, and
30 | any refundings thereof; second, for the payment of debt
31 | service on bonds issued as provided by this paragraph (5) to

1 finance the acquisition and construction of roads as defined
2 by law; and third, for the acquisition and construction of
3 roads and for road maintenance as authorized by law. When
4 authorized by law, state bonds pledging the full faith and
5 credit of the state may be issued without any election to:

6 a. ~~(i) to~~ Refund obligations secured by any portion of
7 the "second gas tax" allocated to a county under Article IX,
8 section 16, of the constitution of 1885, as amended.†

9 b. ~~(ii) to~~ Finance the acquisition and construction of
10 roads in a county when approved by the governing body of the
11 county and the state agency supervising the state road
12 system.†

13 c. ~~and (iii) to~~ Refund obligations secured by any
14 portion of the "second gas tax" allocated under paragraph
15 ~~9(c)(4)~~.

16
17 No such bonds shall be issued unless a state fiscal agency
18 created by law has made a determination that in no state
19 fiscal year will the debt service requirements of the bonds
20 and all other bonds secured by the pledged portion of the
21 "second gas tax" allocated to the county exceed seventy-five
22 percent ~~per cent~~ of the pledged portion of the "second gas
23 tax" allocated to that county for the preceding state fiscal
24 year, of the pledged net tolls from existing facilities
25 collected in the preceding state fiscal year, and of the
26 annual average net tolls anticipated during the first five
27 state fiscal years of operation of new projects to be
28 financed, and of any other legally available pledged revenues
29 collected in the preceding state fiscal year. Bonds issued
30 pursuant to this subsection shall be payable primarily from
31 the pledged tolls, the pledged portions of the "second gas

1 tax" allocated to that county, and any other pledged revenue,
2 and shall mature not later than forty years from the date of
3 issuance.

4 (d) SCHOOL BONDS.--

5 (1) Article XII, section 7(d), ~~9, Subsection (d)~~ of
6 this constitution, as amended, (which, by reference, adopted
7 Article XII, section 18, of the constitution of 1885, as
8 amended), as the same existed immediately before the effective
9 date of this amendment is adopted by this reference as part of
10 this amendment as completely as though incorporated herein
11 verbatim, for the purpose of providing that after the
12 effective date of this amendment the first proceeds of the
13 revenues derived from the licensing of motor vehicles as
14 referred to therein shall be distributed annually among the
15 several counties in the ratio of the number of instruction
16 units in each county, the same being coterminous ~~coterminus~~
17 with the school district of each county as provided in Article
18 IX, section 4(a), ~~4, Subsection (a)~~ of this constitution, in
19 each year computed as provided therein to the extent necessary
20 to comply with all obligations to or for the benefit of
21 holders of bonds or motor vehicle tax anticipation
22 certificates issued before the effective date of this
23 amendment or any refundings thereof that ~~which~~ are secured by
24 any portion of such revenues derived from the licensing of
25 motor vehicles.

26 (2) No funds anticipated to be distributed annually
27 among the several counties under the formula stated in Article
28 XII, section 7(d), ~~9, Subsection (d)~~ of this constitution, as
29 amended, as the same existed immediately before the effective
30 date of this amendment shall be pledged as security for any
31 obligations hereafter issued or entered into, except that any

1 outstanding obligations previously issued pledging such funds
2 may be refunded by the issuance of refunding bonds.

3 (3) Subject to the requirements of paragraph (d)(1)
4 ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973,
5 the first proceeds of the revenues derived from the licensing
6 of motor vehicles (hereinafter called "motor vehicle license
7 revenues") to the extent necessary to comply with the
8 provisions of this amendment, shall, as collected, be placed
9 monthly in the school district and community college district
10 capital outlay and debt service fund in the state treasury and
11 used only as provided in this amendment. Such revenue shall be
12 distributed annually among the several school districts and
13 community college districts in the ratio of the number of
14 instruction units in each school district or community college
15 district in each year computed as provided herein. The amount
16 of the first motor vehicle license revenues to be so set aside
17 in each year and distributed as provided herein shall be an
18 amount equal in the aggregate to the product of six hundred
19 dollars~~(\$600)~~ multiplied by the total number of instruction
20 units in all the school districts of Florida for the school
21 fiscal year 1967-68, plus an amount equal in the aggregate to
22 the product of eight hundred dollars~~(\$800)~~ multiplied by the
23 total number of instruction units in all the school districts
24 of Florida for the school fiscal year 1972-73 and for each
25 school fiscal year thereafter that ~~which~~ is in excess of the
26 total number of such instruction units in all the school
27 districts of Florida for the school fiscal year 1967-68, such
28 excess units being designated "growth units." The amount of
29 the first motor vehicle license revenues to be so set aside in
30 each year and distributed as provided herein shall
31 additionally be an amount equal in the aggregate to the

1 product of four hundred dollars(~~\$400~~) multiplied by the total
2 number of instruction units in all community college districts
3 of Florida. The number of instruction units in each school
4 district or community college district in each year for the
5 purposes of this amendment shall be the greater of:

6 a.(~~1~~) The number of instruction units in each school
7 district for the school fiscal year 1967-68 or community
8 college district for the school fiscal year 1968-69 computed
9 in the manner heretofore provided by general law;~~or~~

10 b.(~~2~~) The number of instruction units in such school
11 district, including growth units, or community college
12 district for the school fiscal year computed in the manner
13 heretofore or hereafter provided by general law and approved
14 by the state board of education (hereinafter called the state
15 board);~~or~~

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

28 (4) Such funds so distributed shall be administered by
29 the state board as now created and constituted by Article IX,
30 section 2, ~~of Article IX of this the State constitution as~~
31 ~~revised in 1968~~, or by such other instrumentality of the state

1 ~~that which~~ shall hereafter succeed by law to the powers,
2 duties, and functions of the state board, including the
3 powers, duties, and functions of the state board provided in
4 this amendment. For the purposes of this amendment, said state
5 board shall be a body corporate and shall have all the powers
6 provided in this amendment in addition to all other
7 constitutional and statutory powers related to the purposes of
8 this amendment heretofore or hereafter conferred upon said
9 state board.

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

1 | by general law, or exchange the bonds or motor vehicle license
2 | revenue anticipation certificates, upon such terms and
3 | conditions as the state board shall provide.

4 | (6) The state board shall also have power to pledge
5 | for the payment of the principal of and interest on such bonds
6 | or motor vehicle license revenue anticipation certificates,
7 | including refunding bonds or refunding motor vehicle license
8 | revenue anticipation certificates, all or any part from the
9 | motor vehicle license revenues provided for in this amendment
10 | and to enter into any covenants and other agreements with the
11 | holders of such bonds or motor vehicle license revenue
12 | anticipation certificates at the time of the issuance thereof
13 | concerning the security thereof and the rights of the holders
14 | thereof, all of which covenants and agreements shall
15 | constitute legally binding and irrevocable contracts with such
16 | holders and shall be fully enforceable by such holders in any
17 | court of competent jurisdiction.

18 | (7) No such bonds or motor vehicle license revenue
19 | anticipation certificates shall ever be issued by the state
20 | board, except to refund outstanding bonds or motor vehicle
21 | license revenue anticipation certificates, until after the
22 | adoption of a resolution requesting the issuance thereof by
23 | the school board of the school district or board of trustees
24 | of the community college district on behalf of which the
25 | obligations are to be issued. The state board of education
26 | shall limit the amount of such bonds or motor vehicle license
27 | revenue anticipation certificates that ~~which~~ can be issued on
28 | behalf of any school district or community college district to
29 | ninety percent ~~(90%)~~ of the amount that ~~which~~ it determines
30 | can be serviced by the revenue accruing to the school district
31 | or community college district under the provisions of this

1 amendment, and shall determine the reasonable allocation of
2 the interest savings from the issuance of refunding bonds or
3 motor vehicle license revenue anticipation certificates, and
4 such determinations shall be conclusive. All such bonds or
5 motor vehicle license revenue anticipation certificates shall
6 be issued in the name of the state board of education but
7 shall be issued for and on behalf of the school board of the
8 school district or board of trustees of the community college
9 district requesting the issuance thereof, and no election or
10 approval of qualified electors shall be required for the
11 issuance thereof.

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

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

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

29 c. To establish and maintain a sinking fund or funds
30 to meet future requirements for debt service or reserves
31 therefor, on bonds or motor vehicle license revenue

1 anticipation certificates issued on behalf of the school board
2 of such school district or board of trustees of such community
3 college district under the authority hereof, whenever the
4 state board shall deem it necessary or advisable, and in such
5 amounts and under such terms and conditions as the state board
6 shall in its discretion determine.

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

1 board of trustees of any community college district and for
2 the rank and priority of such pledge. Any such covenants or
3 agreements of the state board may be enforced by any holders
4 of such bonds in any court of competent jurisdiction.

5 e. To pay the expenses of the state board in
6 administering this subsection~~(d)~~, which shall be prorated
7 among the various school districts and community college
8 districts and paid out of the proceeds of the bonds or motor
9 vehicle license revenue anticipation certificates or from the
10 funds distributable to each school district and community
11 college district on the same basis as such motor vehicle
12 license revenues are distributable to the various school
13 districts and community college districts.

14 f. To distribute annually to the several school boards
15 of the school districts or boards of trustees of the community
16 college districts for the payment of the cost of acquiring,
17 building, constructing, altering, remodeling, improving,
18 enlarging, furnishing, equipping, maintaining, renovating, or
19 repairing of capital outlay projects for school purposes in
20 such school district or community college district as shall be
21 requested by resolution of the school board of the school
22 district or board of trustees of the community college
23 district.

24 g. When all major capital outlay needs of a school
25 district or community college district have been met as
26 determined by the state board, on the basis of a survey made
27 pursuant to regulations of the state board and approved by the
28 state board, all such funds remaining shall be distributed
29 annually and used for such school purposes in such school
30 district or community college district as the school board of
31 the school district or board of trustees of the community

1 college district shall determine, or as may be provided by
2 general law.

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

24 (10) The state board shall have power to make and
25 enforce all rules and regulations necessary to the full
26 exercise of the powers herein granted and no legislation shall
27 be required to render this amendment of full force and
28 operating effect. The legislature shall not reduce the levies
29 of said motor vehicle license revenues during the life of this
30 amendment to any degree that ~~which~~ will fail to provide the
31 full amount necessary to comply with the provisions of this

1 amendment and pay the necessary expenses of administering the
2 laws relating to the licensing of motor vehicles, and shall
3 not enact any law having the effect of withdrawing the
4 proceeds of such motor vehicle license revenues from the
5 operation of this amendment and shall not enact any law
6 impairing or materially altering the rights of the holders of
7 any bonds or motor vehicle license revenue anticipation
8 certificates issued pursuant to this amendment or impairing or
9 altering any covenant or agreement of the state board, as
10 provided in such bonds or motor vehicle license revenue
11 anticipation certificates.

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

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

30 SECTION ~~8 10~~. Preservation of constitutional
31 provisions as statutes.--

1 (a) The following provisions of the State
2 Constitution, as they existed on November 6, 2006, shall
3 become statutes:

4 (1) Article I, section 26.

5 (2) Article X, section 21.

6 (3) Article X, section 25.

7 (4) Article X, section 26.

8 (b) The Division of Statutory Revision shall codify a
9 provision made statutory law by subsection (a) in the manner
10 described in s. 11.242, Florida Statutes (2005). The Division
11 of Statutory Revision may make alterations to a provision
12 described in subsection (a) to reflect its status as statutory
13 law, but the effect of the provision must be preserved.

14 (c) Until January 2, 2015, the legislature may not
15 modify, repeal, or act inconsistent with a provision made
16 statutory law by this section except by a three-fourths vote
17 of the membership of each house. Preservation of existing
18 government. All provisions of Articles I through IV, VII and
19 IX through XX of the Constitution of 1885, as amended, not
20 embraced herein which are not inconsistent with this revision
21 shall become statutes subject to modification or repeal as are
22 other statutes.

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

31

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

5 SECTION 11 ~~13~~. Legislative apportionment.--The
6 requirements of legislative apportionment in Article III,
7 section 16, ~~of Article III of this revision~~ shall apply only
8 to the apportionment of the legislature following the
9 decennial census of 1970, and thereafter.

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

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

24 ~~SECTION 16. Reorganization. The requirement of~~
25 ~~Section 6, Article IV of this revision shall not apply until~~
26 ~~July 1, 1969.~~

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

1 ~~SECTION 18. Bonds for housing and related~~
2 ~~facilities. Section 16 of Article VII, providing for bonds~~
3 ~~for housing and related facilities, shall take effect upon~~
4 ~~approval by the electors.~~

5 ~~SECTION 19. Renewable energy source property. The~~
6 ~~amendment to Section 3 of Article VII, relating to an~~
7 ~~exemption for a renewable energy source device and real~~
8 ~~property on which such device is installed, if adopted at the~~
9 ~~special election in October 1980, shall take effect January 1,~~
10 ~~1981.~~

11 ~~SECTION 20. Access to public records. Section 24 of~~
12 ~~Article I, relating to access to public records, shall take~~
13 ~~effect July 1, 1993.~~

14 SECTION 15 ~~21~~. State revenue limitation.--The
15 amendment to Article VII, section 1, ~~of Article VII~~ limiting
16 state revenues shall take effect January 1, 1995, and shall
17 first be applicable to state fiscal year 1995-1996.

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

23 SECTION 17 ~~23~~. Fish and wildlife conservation
24 commission.--

25 (a) The initial members of the commission shall be the
26 members of the game and fresh water fish commission and the
27 marine fisheries commission who are serving on those
28 commissions on the effective date of this amendment, who may
29 serve the remainder of their respective terms. New
30 appointments to the commission shall not be made until the
31 retirement, resignation, removal, or expiration of the terms

1 of the initial members results in fewer than seven members
2 remaining.

3 (b) The jurisdiction of the marine fisheries
4 commission as set forth in statutes in effect on March 1,
5 1998, shall be transferred to the fish and wildlife
6 conservation commission. The jurisdiction of the marine
7 fisheries commission transferred to the commission shall not
8 be expanded except as provided by general law. All rules of
9 the marine fisheries commission and game and fresh water fish
10 commission in effect on the effective date of this amendment
11 shall become rules of the fish and wildlife conservation
12 commission until superseded or amended by the commission.

13 (c) On the effective date of this amendment, the
14 marine fisheries commission and game and fresh water fish
15 commission shall be abolished.

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

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

18 (a) The amendments contained in this revision shall
19 take effect January 7, 2003, but shall govern with respect to
20 the qualifying for and the holding of primary elections in
21 2002. The office of chief financial officer shall be a new
22 office as a result of this revision.

23 (b) In the event the secretary of state is removed as
24 a cabinet office in the 1998 general election, the term
25 "custodian of state records" shall be substituted for the term
26 "secretary of state" throughout this ~~the~~ constitution and the
27 duties previously performed by the secretary of state shall be
28 as provided by law.

29 ~~SECTION 25. Schedule to Article V amendment.~~

30 ~~(a) Commencing with fiscal year 2000-2001, the~~
31 ~~legislature shall appropriate funds to pay for the salaries,~~

1 ~~costs, and expenses set forth in the amendment to Section 14~~
2 ~~of Article V pursuant to a phase in schedule established by~~
3 ~~general law.~~

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

6 SECTION 19. Amendments adopted during the 2006 General
7 Election.--Any amendment to the State Constitution adopted
8 during the 2006 General Election shall be incorporated into
9 this revision as if the amendment originally had been included
10 in this revision.

11 BE IT FURTHER RESOLVED that the following statement be
12 placed on the ballot:

13 CONSTITUTIONAL AMENDMENT AND REVISIONS

14 ARTICLE X, SECTION 21

15 CRUEL AND INHUMANE CONFINEMENT OF PREGNANT

16 PIGS.--Proposing an amendment to the State Constitution to
17 remove from the constitution and transfer to the Florida
18 Statutes the provision that makes it unlawful to confine a pig
19 during pregnancy in such a way that the pig is prevented from
20 turning around freely.

21 MULTIPLE ARTICLES

22 OBSOLETE AND ERRONEOUS PROVISIONS.--Proposing revisions
23 to multiple articles of the State Constitution to delete
24 obsolete provisions and to correct grammar errors and
25 inconsistencies in wording.

26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Joint Resolution 1918
4 The committee substitute made the following changes to the
5 underlying joint resolution:
6 -- Made additional grammatical, spelling, and punctuation
7 corrections;" Repeals additional obsolete historical
8 provisions;
9 -- Repeals s. 1, Art. X, State Const., which addresses the
10 ratification of amendments to the U.S. Constitution;
11 -- Repeals s. 5, Art. X, State Const., which pertains to the
12 property rights of married men and women and authorizes
13 the establishment of dower and curtesy by law;
14 -- Repeals s 26, Art. I, State Const., which pertains to a
15 claimant's right to compensation in medical liability
16 claims and provides for its codification as a statute;
17 -- Repeals s. 25, Art. X, State Const., which pertains to a
18 patient's right to know about adverse medical incidents
19 and provides for its codification as a statute;
20 -- Repeals s. 26, Art. X, State Const., which pertains to a
21 prohibition on having a medical license after repeated
22 medical malpractice and provides for its codification as
23 a statute;
24 -- Provides that until January 2, 2015, the Legislature may
25 not modify, repeal, or act inconsistent with a
26 constitutional provision codified as a statute, except
27 upon the approval of three-fourths of the membership of
28 both houses of the Legislature; and
29 -- Provides for the engrossing of amendments adopted during
30 the 2006 General Election.
31