

Senate Joint Resolution

1
2 A joint resolution proposing the revision of
3 the whole State Constitution to correct
4 spelling errors, punctuation errors,
5 inconsistent use of capitalization, and other
6 technical issues; to require the legislature to
7 provide by law effective by July 1, 2008, for a
8 process by which citizens may propose statutes;
9 to repeal obsolete provisions; to repeal
10 portions of Article VI, section 4, which
11 provide for term limits on certain federal
12 officeholders and which have been held to be
13 unconstitutional; to repeal Article X, section
14 1, which pertains to the ratification of
15 amendments to the U.S. Constitution and has
16 been held to be unconstitutional; to repeal
17 Article X, section 5, which pertains to the
18 property rights of married persons and
19 authorizes dower and curtesy to be established
20 by law; to require the attorney general, if
21 directed by law, to request an advisory opinion
22 from the Supreme Court on the validity of a
23 statutory initiative; to repeal Article I,
24 section 26, which pertains to a claimant's
25 right to compensation in medical liability
26 claims, and to provide for its codification as
27 a statute; to repeal Article X, section 21,
28 which pertains to the confinement of pregnant
29 pigs, and to provide for its codification as a
30 statute; to repeal Article X, section 25, which
31 pertains to a patient's right to know about

1 adverse medical incidents, and to provide for
 2 its codification as a statute; to repeal
 3 Article X, section 26, which pertains to a
 4 prohibition on having a medical license after
 5 repeated medical malpractice, and to provide
 6 for its codification as a statute; to prohibit
 7 the modification, repeal, or acts inconsistent
 8 with constitutional provisions codified as
 9 statutes, except upon a supermajority vote of
 10 both houses of the Legislature for a certain
 11 period of time; to correct the date by which
 12 the Taxation and Budget Reform Commission must
 13 file proposed constitutional amendments with
 14 the custodian of state records; and to provide
 15 for the incorporation of amendments adopted
 16 during the 2006 general election.

17
 18 Be It Resolved by the Legislature of the State of Florida:

19
 20 That the following revision to the State Constitution
 21 is agreed to and shall be submitted to the electors of this
 22 state for approval or rejection at the next general election
 23 or at an earlier special election specifically authorized by
 24 law for that purpose:

25
 26 PREAMBLE

27
 28 We, the people of the State of Florida, being grateful
 29 to Almighty God for our constitutional liberty, in order to
 30 secure its benefits, perfect our government, ensure ~~insure~~
 31 domestic tranquility, maintain public order, and guarantee

1 equal civil and political rights to all, do ordain and
2 establish this constitution.

3
4 ARTICLE I

5 DECLARATION OF RIGHTS

6
7 SECTION 1. Political power.--All political power is
8 inherent in the people. The enunciation herein of certain
9 rights shall not be construed to deny or impair others
10 retained by the people.

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

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

30 SECTION 4. Freedom of speech and press.--Every person
31 may speak, write, and publish sentiments on all subjects but

1 shall be responsible for the abuse of that right. No law shall
2 be passed to restrain or abridge the liberty of speech or of
3 the press. In all criminal prosecutions and civil actions for
4 defamation, the truth may be given in evidence. If the matter
5 charged as defamatory is true and was published with good
6 motives, the party shall be acquitted or exonerated.

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

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

16 SECTION 7. Military power.--The military power shall
17 be subordinate to the civil.

18 SECTION 8. Right to bear arms.--

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

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

1 (c) The legislature shall enact legislation
2 implementing subsection (b) ~~of this section, effective no~~
3 ~~later than December 31, 1991~~, which shall provide that anyone
4 violating the provisions of subsection (b) commits ~~shall be~~
5 ~~guilty~~ of a felony.

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

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

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

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

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

1 United States Supreme Court construing the Fourth ~~4th~~
2 Amendment to the United States Constitution.

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

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

18 SECTION 15. Prosecution for crime; offenses committed
19 by children.--

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

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

1 court as an adult. A child found delinquent shall be
2 disciplined as provided by law.

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

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

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

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

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

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

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

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

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

30 SECTION 22. Trial by jury.--The right of trial by jury
31 shall be secure to all and remain inviolate. The

1 | qualifications and the number of jurors, not fewer than six,
2 | shall be fixed by law.

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

9 | SECTION 24. Access to public records and meetings.--

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

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

31 |

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

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

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

1 ~~SECTION 26. Claimant's right to fair compensation.~~
2 ~~(a) Article I, Section 26 is created to read~~
3 ~~"Claimant's right to fair compensation." In any medical~~
4 ~~liability claim involving a contingency fee, the claimant is~~
5 ~~entitled to receive no less than 70% of the first \$250,000.00~~
6 ~~in all damages received by the claimant, exclusive of~~
7 ~~reasonable and customary costs, whether received by judgment,~~
8 ~~settlement, or otherwise, and regardless of the number of~~
9 ~~defendants. The claimant is entitled to 90% of all damages in~~
10 ~~excess of \$250,000.00, exclusive of reasonable and customary~~
11 ~~costs and regardless of the number of defendants. This~~
12 ~~provision is self executing and does not require implementing~~
13 ~~legislation.~~
14 ~~(b) This Amendment shall take effect on the day~~
15 ~~following approval by the voters.~~

16
17 ARTICLE II
18 GENERAL PROVISIONS
19

20 SECTION 1. State boundaries.--
21 (a) The state boundaries are: Begin at the mouth of
22 the Perdido River, which for the purposes of this description
23 is defined as the point where latitude 30°16'53" north and
24 longitude 87°31'06" west intersect; thence to the point where
25 latitude 30°17'02" north and longitude 87°31'06" west
26 intersect; thence to the point where latitude 30°18'00" north
27 and longitude 87°27'08" west intersect; thence to the point
28 where the center line of the Intracoastal Canal (as the same
29 existed on June 12, 1953) and longitude 87°27'00" west
30 intersect; the same being in the middle of the Perdido River;
31 thence up the middle of the Perdido River to the point where

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

1 Marys River, east of the Perdido River, and south of the
2 States of Alabama and Georgia.

3 (b) The coastal boundaries may be extended by statute
4 to the limits permitted by the laws of the United States or
5 international law.

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

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

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

21 SECTION 5. Public officers.--

22 (a) No person holding any office of emolument under
23 any foreign government, or civil office of emolument under the
24 United States or any other state, shall hold any office of
25 honor or of emolument under the government of this state. No
26 person shall hold at the same time more than one office under
27 the government of the state and the counties and
28 municipalities therein, except that a notary public or
29 military officer may hold another office, and any officer may
30 be a member of a constitution revision commission, taxation
31

1 and budget reform commission, constitutional convention, or
 2 statutory body having only advisory powers.

3 (b) Each state and county officer, before entering
 4 upon the duties of the office, shall give bond as required by
 5 law, and shall swear or affirm:

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

13
 14 and thereafter shall devote personal attention to the duties
 15 of the office, and continue in office until a successor
 16 qualifies.

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

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

30 SECTION 7. Natural resources and scenic beauty.--
 31

1 (a) It shall be the policy of the state to conserve
2 and protect its natural resources and scenic beauty. Adequate
3 provision shall be made by law for the abatement of air and
4 water pollution and of excessive and unnecessary noise and for
5 the conservation and protection of natural resources.

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

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

17 (a) All elected constitutional officers and candidates
18 for such offices and, as may be determined by law, other
19 public officers, candidates, and employees shall file full and
20 public disclosure of their financial interests.

21 (b) All elected public officers and candidates for
22 such offices shall file full and public disclosure of their
23 campaign finances.

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

29 (d) Any public officer or employee who is convicted of
30 a felony involving a breach of public trust shall be subject
31 to forfeiture of rights and privileges under a public

1 retirement system or pension plan in such manner as may be
2 provided by law.

3 (e) No member of the legislature or statewide elected
4 officer shall personally represent another person or entity
5 for compensation before the government body or agency of which
6 the individual was an officer or member for a period of two
7 years following vacation of office. No member of the
8 legislature shall personally represent another person or
9 entity for compensation during his or her term of office
10 before any state agency other than judicial tribunals. Similar
11 restrictions on other public officers and employees may be
12 established by law.

13 (f) There shall be an independent commission to
14 conduct investigations and make public reports on all
15 complaints concerning breach of public trust by public
16 officers or employees not within the jurisdiction of the
17 judicial qualifications commission.

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

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

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

27 (1) Full and public disclosure of financial interests
28 shall mean filing with the custodian of state records by July
29 1 of each year a sworn statement showing net worth and
30 identifying each asset and liability in excess of one thousand
31

1 | ~~dollars\$1,000~~ and its value together with one of the
 2 | following:
 3 | a. A copy of the person's most recent federal income
 4 | tax return; or
 5 | b. A sworn statement that ~~which~~ identifies each
 6 | separate source and amount of income that ~~which~~ exceeds one
 7 | thousand dollars\$1,000. The forms for such source disclosure
 8 | and the rules under which they are to be filed shall be
 9 | prescribed by the independent commission established in
 10 | subsection (f), and such rules shall include disclosure of
 11 | secondary sources of income.

12 | (2) Persons holding statewide elective offices shall
 13 | also file disclosure of their financial interests pursuant to
 14 | paragraph ~~subsection~~ (i)(1).

15 | (3) The independent commission provided for in
 16 | subsection (f) shall mean the Florida Commission on Ethics.

17 | SECTION 9. English is the official language of
 18 | Florida.--

19 | (a) English is the official language of the State of
 20 | Florida.

21 | (b) The legislature shall have the power to enforce
 22 | this section by appropriate legislation.

24 | ARTICLE III

25 | LEGISLATURE

26 |
 27 | SECTION 1. Composition.--The legislative power of the
 28 | state shall be vested in a legislature of the State of
 29 | Florida, consisting of a senate composed of one senator
 30 | elected from each senatorial district and a house of
 31 |

1 representatives composed of one member elected from each
2 representative district.

3 SECTION 2. Members; officers.--Each house shall be the
4 sole judge of the qualifications, elections, and returns of
5 its members, and shall biennially choose its officers,
6 including a permanent presiding officer selected from its
7 membership, who shall be designated in the senate as President
8 of the Senate, and in the house as Speaker of the House of
9 Representatives. The senate shall designate a Secretary to
10 serve at its pleasure, and the house of representatives shall
11 designate a Clerk to serve at its pleasure. The legislature
12 shall appoint an auditor to serve at its pleasure who shall
13 audit public records and perform related duties as prescribed
14 by law or concurrent resolution.

15 SECTION 3. Sessions of the legislature.--

16 (a) ORGANIZATION SESSIONS.--On the fourteenth day
17 following each general election the legislature shall convene
18 for the exclusive purpose of organization and selection of
19 officers.

20 (b) REGULAR SESSIONS.--A regular session of the
21 legislature shall convene on the first Tuesday after the first
22 Monday in March of each odd-numbered year, and on the first
23 Tuesday after the first Monday in March, or such other date as
24 may be fixed by law, of each even-numbered year.

25 (c) SPECIAL SESSIONS.--

26 (1) The governor, by proclamation stating the purpose,
27 may convene the legislature in special session during which
28 only such legislative business may be transacted as is within
29 the purview of the proclamation, or of a communication from
30 the governor, or is introduced by consent of two-thirds of the
31 membership of each house.

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

3 (d) LENGTH OF SESSIONS.--A regular session of the
4 legislature shall not exceed sixty consecutive days, and a
5 special session shall not exceed twenty consecutive days,
6 unless extended beyond such limit by a three-fifths vote of
7 each house. During such an extension no new business may be
8 taken up in either house without the consent of two-thirds of
9 its membership.

10 (e) ADJOURNMENT.--Neither house shall adjourn for more
11 than seventy-two consecutive hours except pursuant to
12 concurrent resolution.

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

22 SECTION 4. Quorum and procedure.--

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

28 (b) Sessions of each house shall be public, ~~+~~ except
29 that sessions of the senate when considering appointment to or
30 removal from public office may be closed.

31

1 (c) Each house shall keep and publish a journal of its
2 proceedings~~+~~ and~~,~~ upon the request of five members present,
3 the vote of each member voting on any question shall be
4 entered on the journal. In any legislative committee or
5 subcommittee, the vote of each member voting on the final
6 passage of any legislation pending before the committee, and
7 upon the request of any two members of the committee or
8 subcommittee, the vote of each member on any other question,
9 shall be recorded.

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

13 (e) The rules of procedure of each house shall provide
14 that all legislative committee and subcommittee meetings of
15 each house, and joint conference committee meetings, shall be
16 open and noticed to the public. The rules of procedure of each
17 house shall further provide that all prearranged gatherings,
18 between more than two members of the legislature, or between
19 the governor, the president of the senate, or the speaker of
20 the house of representatives, the purpose of which is to agree
21 upon formal legislative action that will be taken at a
22 subsequent time, or at which formal legislative action is
23 taken, regarding pending legislation or amendments, shall be
24 reasonably open to the public. All open meetings shall be
25 subject to order and decorum. This section shall be
26 implemented and defined by the rules of each house, and such
27 rules shall control admission to the floor of each legislative
28 chamber and may, where reasonably necessary for security
29 purposes or to protect a witness appearing before a committee,
30 provide for the closure of committee meetings. Each house
31

1 shall be the sole judge for the interpretation,
2 implementation, and enforcement of this section.

3 SECTION 5. Investigations; witnesses.--Each house,
4 when in session, may compel attendance of witnesses and
5 production of documents and other evidence upon any matter
6 under investigation before it or any of its committees, and
7 may punish by fine not exceeding one thousand dollars or
8 imprisonment not exceeding ninety days, or both, any person
9 not a member who has been guilty of disorderly or contemptuous
10 conduct in its presence or has refused to obey its lawful
11 summons or to answer lawful questions. Such powers, except the
12 power to punish, may be conferred by law upon committees when
13 the legislature is not in session. Punishment of contempt of
14 an interim legislative committee shall be by judicial
15 proceedings as prescribed by law.

16 SECTION 6. Laws.--Every law shall embrace but one
17 subject and matter properly connected therewith, and the
18 subject shall be briefly expressed in the title. No law shall
19 be revised or amended by reference to its title only. Laws to
20 revise or amend shall set out in full the revised or amended
21 act, section, subsection, or paragraph of a subsection. The
22 enacting clause of every law shall read: "Be It Enacted by
23 the Legislature of the State of Florida: "--

24 SECTION 7. Passage of bills.--Any bill may originate
25 in either house and after passage in one may be amended in the
26 other. It shall be read in each house on three separate days,
27 unless this rule is waived by two-thirds vote; provided the
28 publication of its title in the journal of a house shall
29 satisfy the requirement for the first reading in that house.
30 On each reading, it shall be read by title only, unless
31 one-third of the members present desire it read in full. On

1 final passage, the vote of each member voting shall be entered
2 on the journal. Passage of a bill shall require a majority
3 vote in each house. Each bill and joint resolution passed in
4 both houses shall be signed by the presiding officers of the
5 respective houses and by the secretary of the senate and the
6 clerk of the house of representatives during the session or as
7 soon as practicable after its adjournment sine die.

8 SECTION 8. Executive approval and veto.--

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

22 (b) When a bill or any specific appropriation of a
23 general appropriation bill has been vetoed, the governor shall
24 transmit signed objections thereto to the house in which the
25 bill originated if in session. If that house is not in
26 session, the governor shall file them with the custodian of
27 state records, who shall lay them before that house at its
28 next regular or special session, whichever occurs first, and
29 they shall be entered on its journal. If the originating house
30 votes to reenact ~~re-enact~~ a vetoed measure, whether in a
31 regular or special session, and the other house does not

1 consider or fails to reenact ~~re-enact~~ the vetoed measure, no
2 further consideration by either house at any subsequent
3 session may be taken. If a vetoed measure is presented at a
4 special session and the originating house does not consider
5 it, the measure will be available for consideration at any
6 intervening special session and until the end of the next
7 regular session.

8 (c) If each house shall, by a two-thirds vote, reenact
9 ~~re-enact~~ the bill or reinstate the vetoed specific
10 appropriation of a general appropriation bill, the vote of
11 each member voting shall be entered on the respective
12 journals, and the bill shall become law or the specific
13 appropriation reinstated, the veto notwithstanding.

14 SECTION 9. Effective date of laws.--Each law shall
15 take effect on the sixtieth day after adjournment sine die of
16 the session of the legislature in which enacted or as
17 otherwise provided therein. If the law is passed over the veto
18 of the governor, it shall take effect on the sixtieth day
19 after adjournment sine die of the session in which the veto is
20 overridden, on a later date fixed in the law, or on a date
21 fixed by resolution passed by both houses of the legislature.

22 SECTION 10. Special laws.--No special law shall be
23 passed unless notice of intention to seek enactment thereof
24 has been published in the manner provided by general law. Such
25 notice shall not be necessary when the law, except the
26 provision for referendum, is conditioned to become effective
27 only upon approval by vote of the electors of the area
28 affected.

29 SECTION 11. Prohibited special laws.--

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

- 1 (1) Election, jurisdiction~~u~~ or duties of officers,
2 except officers of municipalities, chartered counties, special
3 districts~~u~~ or local governmental agencies~~u~~;
- 4 (2) Assessment or collection of taxes for state or
5 county purposes, including extension of time therefor, relief
6 of tax officers from due performance of their duties, and
7 relief of their sureties from liability~~u~~;
- 8 (3) Rules of evidence in any court~~u~~;
- 9 (4) Punishment for crime~~u~~;
- 10 (5) Petit juries, including compensation of jurors,
11 except establishment of jury commissions~~u~~;
- 12 (6) Change of civil or criminal venue~~u~~;
- 13 (7) Conditions precedent to bringing any civil or
14 criminal proceedings, or limitations of time therefor~~u~~;
- 15 (8) Refund of money legally paid or remission of
16 fines, penalties~~u~~ or forfeitures~~u~~;
- 17 (9) Creation, enforcement, extension~~u~~ or impairment of
18 liens based on private contracts, or fixing of interest rates
19 on private contracts~~u~~;
- 20 (10) Disposal of public property, including any
21 interest therein, for private purposes~~u~~;
- 22 (11) Vacation of roads~~u~~;
- 23 (12) Private incorporation or grant of privilege to a
24 private corporation~~u~~;
- 25 (13) Effectuation of invalid deeds, wills~~u~~ or other
26 instruments~~u~~ or change in the law of descent~~u~~;
- 27 (14) Change of name of any person~~u~~;
- 28 (15) Divorce~~u~~;
- 29 (16) Legitimation or adoption of persons~~u~~;
- 30 (17) Relief of minors from legal disabilities~~u~~;
- 31

1 (18) Transfer of any property interest of persons
2 under legal disabilities or of estates of decedents.+

3 (19) Hunting or freshwater ~~fresh water~~ fishing.+

4 (20) Regulation of occupations which are regulated by
5 a state agency.+~~or~~

6 (21) Any subject when prohibited by general law passed
7 by a three-fifths vote of the membership of each house. Such
8 law may be amended or repealed by like vote.

9 (b) In the enactment of general laws on other
10 subjects, political subdivisions or other governmental
11 entities may be classified only on a basis reasonably related
12 to the subject of the law.

13 SECTION 12. Appropriation bills.--Laws making
14 appropriations for salaries of public officers and other
15 current expenses of the state shall contain provisions on no
16 other subject.

17 SECTION 13. Term of office.--No office shall be
18 created the term of which shall exceed four years except as
19 provided herein.

20 SECTION 14. Civil service system.--By law there shall
21 be created a civil service system for state employees, except
22 those expressly exempted, and there may be created civil
23 service systems and boards for county, district,l or municipal
24 employees and for such offices thereof as are not elected or
25 appointed by the governor, and there may be authorized such
26 boards as are necessary to prescribe the qualifications,
27 method of selection,l and tenure of such employees and
28 officers.

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

30 (a) SENATORS.--Senators shall be elected for terms of
31 four years, those from odd-numbered districts in the years the

1 numbers of which are multiples of four and those from
 2 even-numbered districts in even-numbered years the numbers of
 3 which are not multiples of four; except, at the election next
 4 following a reapportionment, some senators shall be elected
 5 for terms of two years when necessary to maintain staggered
 6 terms.

7 (b) REPRESENTATIVES.--Members of the house of
 8 representatives shall be elected for terms of two years in
 9 each even-numbered year.

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

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

18 SECTION 16. Legislative apportionment.--

19 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS.--The
 20 legislature at its regular session in the second year
 21 following each decennial census, by joint resolution, shall
 22 apportion the state in accordance with the Constitution of the
 23 State of Florida and of the United States into not fewer ~~less~~
 24 than thirty nor more than forty consecutively numbered
 25 senatorial districts of either contiguous, overlapping, or
 26 identical territory, and into not less than eighty nor more
 27 than one hundred twenty consecutively numbered representative
 28 districts of either contiguous, overlapping, or identical
 29 territory. Should that session adjourn without adopting such
 30 joint resolution, the governor by proclamation shall reconvene
 31 the legislature within thirty days in special apportionment

1 session which shall not exceed thirty consecutive days, during
2 which no other business shall be transacted, and it shall be
3 the mandatory duty of the legislature to adopt a joint
4 resolution of apportionment.

5 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
6 REAPPORTIONMENT.--In the event a special apportionment session
7 of the legislature finally adjourns without adopting a joint
8 resolution of apportionment, the attorney general shall,
9 within five days, petition the supreme court of the state to
10 make such apportionment. No later than the sixtieth day after
11 the filing of such petition, the supreme court shall file with
12 the custodian of state records an order making such
13 apportionment.

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

22 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
23 APPORTIONMENT SESSION.--A judgment of the supreme court of the
24 state determining the apportionment to be valid shall be
25 binding upon all the citizens of the state. Should the supreme
26 court determine that the apportionment made by the legislature
27 is invalid, the governor by proclamation shall reconvene the
28 legislature within five days thereafter in an extraordinary
29 apportionment session that ~~which~~ shall not exceed fifteen
30 days, during which the legislature shall adopt a joint
31

1 resolution of apportionment conforming to the judgment of the
2 supreme court.

3 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
4 APPORTIONMENT.--Within fifteen days after the adjournment of
5 an extraordinary apportionment session, the attorney general
6 shall file a petition in the supreme court of the state
7 setting forth the apportionment resolution adopted by the
8 legislature, or if none has been adopted, reporting that fact
9 to the court. Consideration of the validity of a joint
10 resolution of apportionment shall be had as provided for in
11 cases of such joint resolution adopted at a regular or special
12 apportionment session.

13 (f) JUDICIAL REAPPORTIONMENT.--Should an extraordinary
14 apportionment session fail to adopt a resolution of
15 apportionment or should the supreme court determine that the
16 apportionment made is invalid, the court shall, not later than
17 sixty days after receiving the petition of the attorney
18 general, file with the custodian of state records an order
19 making such apportionment.

20 SECTION 17. Impeachment.--

21 (a) The governor, lieutenant governor, members of the
22 cabinet, justices of the supreme court, judges of district
23 courts of appeal, judges of circuit courts, and judges of
24 county courts shall be liable to impeachment for misdemeanor
25 in office. The house of representatives by two-thirds vote
26 shall have the power to impeach an officer. The speaker of the
27 house of representatives shall have power at any time to
28 appoint a committee to investigate charges against any officer
29 subject to impeachment.

30 (b) An officer impeached by the house of
31 representatives shall be disqualified from performing any

1 official duties until acquitted by the senate, and, unless
 2 impeached, the governor may by appointment fill the office
 3 until completion of the trial.

4 (c) All impeachments by the house of representatives
 5 shall be tried by the senate. The chief justice of the supreme
 6 court, or another justice designated by the chief justice,
 7 shall preside at the trial, except in a trial of the chief
 8 justice, in which case the governor shall preside. The senate
 9 shall determine the time for the trial of any impeachment and
 10 may sit for the trial whether the house of representatives be
 11 in session or not. The time fixed for trial shall not be more
 12 than six months after the impeachment. During an impeachment
 13 trial senators shall be upon their oath or affirmation. No
 14 officer shall be convicted without the concurrence of
 15 two-thirds of the members of the senate present. Judgment of
 16 conviction in cases of impeachment shall remove the offender
 17 from office and, in the discretion of the senate, may include
 18 disqualification to hold any office of honor, trust, or
 19 profit. Conviction or acquittal shall not affect the civil or
 20 criminal responsibility of the officer.

21 ~~SECTION 18. Conflict of interest. A code of ethics~~
 22 ~~for all state employees and nonjudicial officers prohibiting~~
 23 ~~conflict between public duty and private interests shall be~~
 24 ~~prescribed by law.~~

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

27 (a) ANNUAL BUDGETING. ~~Effective July 1, 1994,~~ General
 28 law shall prescribe the adoption of annual state budgetary and
 29 planning processes and require that detail reflecting the
 30 annualized costs of the state budget and reflecting the
 31 nonrecurring costs of the budget requests shall accompany

1 state department and agency legislative budget requests, the
2 governor's recommended budget, and appropriation bills. For
3 purposes of this subsection, the terms "department" and
4 "agency" shall include the judicial branch.

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

1 shall be subject to the governor's specific appropriation veto
2 power described in Article III, section 8. ~~This subsection~~
3 ~~shall be effective July 1, 1994.~~

4 (c) APPROPRIATIONS REVIEW PROCESS. ~~--Effective July 1,~~
5 ~~1993,~~ General law shall prescribe requirements for each
6 department and agency of state government to submit a planning
7 document and supporting budget request for review by the
8 appropriations committees of both houses of the legislature.
9 The review shall include a comparison of the major issues in
10 the planning document and budget requests to those major
11 issues included in the governor's recommended budget. For
12 purposes of this subsection, the terms "department" and
13 "agency" shall include the judicial branch.

14 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. ~~-- All~~
15 general appropriation bills shall be furnished to each member
16 of the legislature, each member of the cabinet, the governor,
17 and the chief justice of the supreme court at least
18 seventy-two hours before final passage by either house of the
19 legislature of the bill in the form that will be presented to
20 the governor.

21 (e) FINAL BUDGET REPORT. ~~--Effective November 4, 1992,~~
22 A final budget report shall be prepared as prescribed by
23 general law. The final budget report shall be produced no
24 later than the ninetieth ~~90th~~ day after the beginning of the
25 fiscal year, and copies of the report shall be furnished to
26 each member of the legislature, the head of each department
27 and agency of the state, the auditor general, and the chief
28 justice of the supreme court.

29 (f) TRUST FUNDS.

30 (1) No trust fund of the State of Florida or other
31 public body may be created by law without a three-fifths

1 ~~(3/5)~~vote of the membership of each house of the legislature
2 in a separate bill for that purpose only.

3 (2) ~~State trust funds in existence before the~~
4 ~~effective date of this subsection shall terminate not more~~
5 ~~than four years after the effective date of this subsection.~~
6 State trust funds created after November 4, 1992, ~~the~~
7 ~~effective date of this subsection~~ shall terminate not more
8 than four years after the effective date of the act
9 authorizing the creation of the trust fund. By law the
10 legislature may set a shorter time period for which any trust
11 fund is authorized.

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

31

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

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

6 (g) BUDGET STABILIZATION FUND. ~~--Beginning with the~~
7 ~~1994 1995 fiscal year, at least 1% of an amount equal to the~~
8 ~~last completed fiscal year's net revenue collections for the~~
9 ~~general revenue fund shall be retained in a budget~~
10 ~~stabilization fund. The budget stabilization fund shall be~~
11 ~~increased to at least 2% of said amount for the 1995 1996~~
12 ~~fiscal year, at least 3% of said amount for the 1996 1997~~
13 ~~fiscal year, at least 4% of said amount for the 1997 1998~~
14 ~~fiscal year, and at least 5% of said amount for the 1998 1999~~
15 ~~fiscal year.~~ Subject to the provisions of this subsection, the
16 budget stabilization fund shall be maintained at an amount
17 equal to at least five percent 5% of the last completed fiscal
18 year's net revenue collections for the general revenue fund.
19 The budget stabilization fund's principal balance shall not
20 exceed an amount equal to ten percent 10% of the last
21 completed fiscal year's net revenue collections for the
22 general revenue fund. The legislature shall provide criteria
23 for withdrawing funds from the budget stabilization fund in a
24 separate bill for that purpose only and only for the purpose
25 of covering revenue shortfalls of the general revenue fund or
26 for the purpose of providing funding for an emergency, as
27 defined by general law. General law shall provide for the
28 restoration of this fund. The budget stabilization fund shall
29 be comprised of funds not otherwise obligated or committed for
30 any purpose.

31

1 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
2 PLANNING DOCUMENT PROCESSES.--The governor shall recommend to
3 the legislature biennially any revisions to the state planning
4 document, as defined by law. General law shall require a
5 biennial review and revision of the state planning document,
6 shall require the governor to report to the legislature on the
7 progress in achieving the state planning document's goals, and
8 shall require all departments and agencies of state government
9 to develop planning documents consistent with the state
10 planning document. The state planning document and department
11 and agency planning documents shall remain subject to review
12 and revision by the legislature. The department and agency
13 planning documents shall include a prioritized listing of
14 planned expenditures for review and possible reduction in the
15 event of revenue shortfalls, as defined by general law. To
16 ensure productivity and efficiency in the executive,
17 legislative, and judicial branches, a quality management and
18 accountability program shall be implemented by general law.
19 For the purposes of this subsection, the terms "department"
20 and "agency" shall include the judicial branch. ~~This~~
21 ~~subsection shall be effective July 1, 1993.~~

22 SECTION 19. Statutory initiative.--Notwithstanding
23 section 1, the legislature shall prescribe a statutory
24 initiative process by general law. The statutory initiative
25 process is subject to conditions, limitations, and exceptions
26 prescribed by the legislature. However, a statute originating
27 as a statutory initiative may not be amended or repealed by
28 the legislature for five years after its enactment, except
29 upon a two-thirds vote of both houses of the legislature.

30
31

ARTICLE IV

EXECUTIVE

SECTION 1. Governor.--

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

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

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

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

1 (e) The governor shall by message at least once in
2 each regular session inform the legislature concerning the
3 condition of the state, propose such reorganization of the
4 executive department as will promote efficiency and economy,
5 and recommend measures in the public interest.

6 (f) When not otherwise provided for in this
7 constitution, the governor shall fill by appointment any
8 vacancy in a state or county office for the remainder of the
9 term of an appointive office, and for the remainder of the
10 term of an elective office if less than twenty-eight months,
11 otherwise until the first Tuesday after the first Monday
12 following the next general election.

13 SECTION 2. Lieutenant governor.--There shall be a
14 lieutenant governor, who shall perform such duties pertaining
15 to the office of governor as shall be assigned by the
16 governor, except when otherwise provided by law, and such
17 other duties as may be prescribed by law.

18 SECTION 3. Succession to office of governor; acting
19 governor.--

20 (a) Upon vacancy in the office of governor, the
21 lieutenant governor shall become governor. Further succession
22 to the office of governor shall be prescribed by law. A
23 successor shall serve for the remainder of the term.

24 (b) Upon impeachment of the governor and until
25 completion of trial thereof, or during the governor's physical
26 or mental incapacity, the lieutenant governor shall act as
27 governor. Further succession as acting governor shall be
28 prescribed by law. Incapacity to serve as governor may be
29 determined by the supreme court upon due notice after
30 docketing of a written suggestion thereof by three cabinet
31 members, and in such case restoration of capacity shall be

1 similarly determined after docketing of written suggestion
2 thereof by the governor, the legislature, or three cabinet
3 members. Incapacity to serve as governor may also be
4 established by certificate filed with the custodian of state
5 records by the governor declaring incapacity for physical
6 reasons to serve as governor, and in such case restoration of
7 capacity shall be similarly established.

8 SECTION 4. Cabinet.--

9 (a) There shall be a cabinet composed of an attorney
10 general, a chief financial officer, and a commissioner of
11 agriculture. In addition to the powers and duties specified
12 herein, they shall exercise such powers and perform such
13 duties as may be prescribed by law. In the event of a tie vote
14 of the governor and cabinet, the side on which the governor
15 voted shall be deemed to prevail.

16 (b) The attorney general shall be the chief state
17 legal officer. There is created in the office of the attorney
18 general the position of statewide prosecutor. The statewide
19 prosecutor shall have concurrent jurisdiction with the state
20 attorneys to prosecute violations of criminal laws occurring
21 or having occurred, in two or more judicial circuits as part
22 of a related transaction, or when any such offense is
23 affecting or has affected two or more judicial circuits as
24 provided by general law. The statewide prosecutor shall be
25 appointed by the attorney general from not fewer ~~less~~ than
26 three persons nominated by the judicial nominating commission
27 for the supreme court, or as otherwise provided by general
28 law.

29 (c) The chief financial officer shall serve as the
30 chief fiscal officer of the state, ~~and~~ shall settle and
31

1 approve accounts against the state, and shall keep all state
2 funds and securities.

3 (d) The commissioner of agriculture shall have
4 supervision of matters pertaining to agriculture except as
5 otherwise provided by law.

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

13 (f) The governor as chair, the chief financial
14 officer, the attorney general, and the commissioner of
15 agriculture shall constitute the trustees of the internal
16 improvement trust fund and the land acquisition trust fund as
17 provided by law.

18 (g) The governor as chair, the chief financial
19 officer, the attorney general, and the commissioner of
20 agriculture shall constitute the agency head of the Department
21 of Law Enforcement.

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

24 (a) At a statewide ~~state-wide~~ general election in each
25 calendar year the number of which is even but not a multiple
26 of four, the electors shall choose a governor and a lieutenant
27 governor and members of the cabinet each for a term of four
28 years beginning on the first Tuesday after the first Monday in
29 January of the succeeding year. In primary elections,
30 candidates for the office of governor may choose to run
31 without a lieutenant governor candidate. In the general

1 election, all candidates for the offices of governor and
2 lieutenant governor shall form joint candidacies in a manner
3 prescribed by law so that each voter shall cast a single vote
4 for a candidate for governor and a candidate for lieutenant
5 governor running together.

6 (b) When elected, the governor, lieutenant governor,
7 and each cabinet member must be an elector not less than
8 thirty years of age who has resided in the state for the
9 preceding seven years. The attorney general must have been a
10 member of the bar of Florida for the preceding five years. No
11 person who has, or but for resignation would have, served as
12 governor or acting governor for more than six years in two
13 consecutive terms shall be elected governor for the succeeding
14 term.

15 SECTION 6. Executive departments.--All functions of
16 the executive branch of state government shall be allotted
17 among not more than twenty-five departments, exclusive of
18 those specifically provided for or authorized in this
19 constitution. The administration of each department, unless
20 otherwise provided in this constitution, shall be placed by
21 law under the direct supervision of the governor, the
22 lieutenant governor, the governor and cabinet, a cabinet
23 member, or an officer or board appointed by and serving at the
24 pleasure of the governor, except:

25 (a) When provided by law, confirmation by the senate
26 or the approval of three members of the cabinet shall be
27 required for appointment to or removal from any designated
28 statutory office.

29 (b) Boards authorized to grant and revoke licenses to
30 engage in regulated occupations shall be assigned to
31

1 appropriate departments and their members appointed for fixed
2 terms, subject to removal only for cause.

3 SECTION 7. Suspensions; filling office during
4 suspensions.--

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

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

19 (c) By order of the governor, any elected municipal
20 officer indicted for a crime may be suspended from office
21 until acquitted and the office filled by appointment for the
22 period of suspension, not to extend beyond the term, unless
23 these powers are vested elsewhere by law or the municipal
24 charter.

25 SECTION 8. Clemency.--

26 (a) Except in cases of treason and in cases where
27 impeachment results in conviction, the governor may, by
28 executive order filed with the custodian of state records,
29 suspend collection of fines and forfeitures, grant reprieves
30 not exceeding sixty days and, with the approval of two members
31 of the cabinet, grant full or conditional pardons, restore

1 civil rights, commute punishment, and remit fines and
2 forfeitures for offenses.

3 (b) In cases of treason, the governor may grant
4 reprieves until adjournment of the regular session of the
5 legislature convening next after the conviction, at which
6 session the legislature may grant a pardon or further
7 reprieve; otherwise the sentence shall be executed.

8 (c) There may be created by law a parole and probation
9 commission with power to supervise persons on probation and to
10 grant paroles or conditional releases to persons under
11 sentences for crime. The qualifications, method of selection
12 and terms, not to exceed six years, of members of the
13 commission shall be prescribed by law.

14 SECTION 9. Fish and wildlife conservation
15 commission.--There shall be a fish and wildlife conservation
16 commission, composed of seven members appointed by the
17 governor, subject to confirmation by the senate for staggered
18 terms of five years. The commission shall exercise the
19 regulatory and executive powers of the state with respect to
20 wild animal life and freshwater ~~fresh-water~~ aquatic life, and
21 shall also exercise regulatory and executive powers of the
22 state with respect to marine life, except that all license
23 fees for taking wild animal life, freshwater ~~fresh-water~~
24 aquatic life, and marine life and penalties for violating
25 regulations of the commission shall be prescribed by general
26 law. The commission shall establish procedures to ensure
27 adequate due process in the exercise of its regulatory and
28 executive functions. The legislature may enact laws in aid of
29 the commission, not inconsistent with this section, except
30 that there shall be no special law or general law of local
31 application pertaining to hunting or fishing. The commission's

1 exercise of executive powers in the area of planning,
2 budgeting, personnel management, and purchasing shall be as
3 provided by law. Revenue derived from license fees for the
4 taking of wild animal life and freshwater ~~fresh-water~~ aquatic
5 life shall be appropriated to the commission by the
6 legislature for the purposes of management, protection, and
7 conservation of wild animal life and freshwater ~~fresh-water~~
8 aquatic life. Revenue derived from license fees relating to
9 marine life shall be appropriated by the legislature for the
10 purposes of management, protection, and conservation of marine
11 life as provided by law. The commission shall not be a unit of
12 any other state agency and shall have its own staff, which
13 includes management, research, and enforcement. Unless
14 provided by general law, the commission shall have no
15 authority to regulate matters relating to air and water
16 pollution.

17 SECTION 10. Attorney General.--

18 (a) The attorney general shall, as directed by general
19 law, request the opinion of the justices of the supreme court
20 as to the validity of any initiative petition circulated
21 pursuant to Article XI, section 3 ~~of Article XI~~. The justices
22 shall, subject to their rules of procedure, permit interested
23 persons to be heard on the questions presented and shall
24 render their written opinion no later than April 1 of the year
25 in which the initiative is to be submitted to the voters
26 pursuant to Article XI, section 5 ~~of Article XI~~.

27 (b) The attorney general shall, if directed by general
28 law, request the opinion of the justices of the supreme court
29 as to the validity of any statutory initiative pursuant to
30 Article III, section 19. The justices shall, subject to their
31

1 rules of procedure, permit interested persons to be heard on
2 the questions presented.

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

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

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

23
24 ARTICLE V

25 JUDICIARY

26
27 SECTION 1. Courts.--The judicial power shall be vested
28 in a supreme court, district courts of appeal, circuit courts,
29 and county courts. No other courts may be established by the
30 state, any political subdivision, or any municipality. The
31 legislature shall, by general law, divide the state into

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

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

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

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

1 a chief judge of a judicial circuit the power to assign judges
2 for duty in that circuit.

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

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

13 SECTION 3. Supreme court.--

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

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

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

29 (2) When provided by general law, shall hear appeals
30 from final judgments entered in proceedings for the validation
31 of bonds or certificates of indebtedness and shall review

1 action of statewide agencies relating to rates or service of
2 utilities providing electric, gas, or telephone service.

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

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

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

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

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

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

30 (9) May, or any justice may, issue writs of habeas
31 corpus returnable before the supreme court or any justice, a

1 district court of appeal or any judge thereof, or any circuit
2 judge.

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

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

14 SECTION 4. District courts of appeal.--

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

20 (b) JURISDICTION.--

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

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

31

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

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

19 SECTION 5. Circuit courts.--

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

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

1 SECTION 6. County courts.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 11. Vacancies.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (f) SCHEDULE TO SECTION 12.--

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

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

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

28 b. The investigative panel shall be composed of:

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

1 c. The hearing panel shall be composed of:

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

5 d. Membership on the panels may rotate in a manner
6 determined by the rules of the commission provided that no
7 member shall vote as a member of the investigative and hearing
8 panel on the same proceeding.

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

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

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

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

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

31

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

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

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

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

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

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

25 SECTION 14. Funding.--

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

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

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

1 court-related functions. Counties shall also pay reasonable
2 and necessary salaries, costs, and expenses of the state
3 courts system to meet local requirements as determined by
4 general law.

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

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

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

21 SECTION 17. State attorneys.--In each judicial
22 circuit, a state attorney shall be elected for a term of four
23 years. Except as otherwise provided in this constitution, the
24 state attorney shall be the prosecuting officer of all trial
25 courts in that circuit and shall perform other duties
26 prescribed by general law; ~~provided,~~ however, when authorized
27 by general law, the violations of all municipal ordinances may
28 be prosecuted by municipal prosecutors. A state attorney shall
29 be an elector of the state and reside in the territorial
30 jurisdiction of the circuit, + shall be and have been a member
31 of the bar of Florida for the preceding five years, + shall

1 devote full time to the duties of the office, and shall not
2 engage in the private practice of law. State attorneys shall
3 appoint such assistant state attorneys as may be authorized by
4 law.

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

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

16 SECTION 20. Schedule to Article V.--

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

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

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

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

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

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

1 temporary injunctions necessary or proper to the complete
2 exercise of such jurisdiction.

3 (4) County courts shall have original jurisdiction in
4 all criminal misdemeanor cases not cognizable by the circuit
5 courts, of all violations of municipal and county ordinances,
6 and of all actions at law in which the matter in controversy
7 does not exceed the sum of two thousand five hundred dollars
8 ~~(\$2,500.00)~~ exclusive of interest and costs, except those
9 within the exclusive jurisdiction of the circuit courts.

10 Judges of county courts shall be committing magistrates. The
11 county courts shall have jurisdiction now exercised by the
12 county judge's courts other than that vested in the circuit
13 court by paragraph ~~subsection (c)(3) hereof~~, the jurisdiction
14 now exercised by the county courts, the claims court, the
15 small claims courts, the small claims magistrates courts,
16 magistrates courts, justice of the peace courts, municipal
17 courts and courts of chartered counties, including but not
18 limited to the counties referred to in Article VIII, sections
19 9, 10, 11 and 24 of the constitution of 1885.

20 (5) Each judicial nominating commission shall be
21 composed of the following:

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

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

30 c. Three electors who reside in the territorial
31 jurisdiction of the court or circuit and who are not members

1 of the bar of Florida, selected and appointed by a majority
2 vote of the other six members of the commission.

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

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

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

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

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

21 (8) All fines and forfeitures arising from offenses
22 tried in the county court shall be collected, and accounted
23 for by clerk of the court, and deposited in a special trust
24 account. All fines and forfeitures received from violations of
25 ordinances or misdemeanors committed within a county or
26 municipal ordinances committed within a municipality within
27 the territorial jurisdiction of the county court shall be paid
28 monthly to the county or municipality respectively. If any
29 costs are assessed and collected in connection with offenses
30 tried in county court, all court costs shall be paid into the
31

1 general revenue fund of the state of Florida and such other
2 funds as prescribed by general law.

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

17 (10) All courts except the supreme court may sit in
18 divisions as may be established by local rule approved by the
19 supreme court.

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

24 (12) Municipal prosecutors may prosecute violations of
25 municipal ordinances.

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

29 (d) When this article becomes effective:

30 (1) All courts not herein authorized, except as
31 provided by paragraph ~~subsection (d)(4)~~ ~~of this section~~ shall

1 | cease to exist and jurisdiction to conclude all pending cases
2 | and enforce all prior orders and judgments shall vest in the
3 | court that would have jurisdiction of the cause if thereafter
4 | instituted. All records of and property held by courts
5 | abolished hereby shall be transferred to the proper office of
6 | the appropriate court under this article.

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

31 |

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

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

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

28 ~~(6) By March 21, 1972, the supreme court shall certify~~
29 ~~the need for additional circuit and county judges. The~~
30 ~~legislature in the 1972 regular session may by general law~~
31 ~~create additional offices of judge, the terms of which shall~~

1 ~~begin on the effective date of this article. Elections to such~~
2 ~~offices shall take place at the same time and manner as~~
3 ~~election to other state judicial offices in 1972.~~

4 (6)(7) County judges of existing county judge's courts
5 and justices of the peace and magistrates' court who are not
6 members of bar of Florida shall be eligible to seek election
7 as county court judges of their respective counties.

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

12 (8)(9) The office of judges of all other courts
13 abolished by this article shall be abolished as of the
14 effective date of this article.

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

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

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

31

1 ~~in office on the effective date of this article shall retain~~
 2 ~~the office for the remainder of the term.~~

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

7 (f) Until otherwise provided by law, the nonjudicial
 8 duties required of county judges shall be performed by the
 9 judges of the county court.

10 ~~(g) All provisions of Article V of the Constitution of~~
 11 ~~1885, as amended, not embraced herein which are not~~
 12 ~~inconsistent with this revision shall become statutes subject~~
 13 ~~to modification or repeal as are other statutes.~~

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

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

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

30
 31 ARTICLE VI

1 | SUFFRAGE AND ELECTIONS

2 |
3 | SECTION 1. Regulation of elections.--All elections by
4 | the people shall be by direct and secret vote. General
5 | elections shall be determined by a plurality of votes cast.
6 | Registration and elections shall, and political party
7 | functions may, be regulated by law; however, the requirements
8 | for a candidate with no party affiliation or for a candidate
9 | of a minor party for placement of the candidate's name on the
10 | ballot shall be no greater than the requirements for a
11 | candidate of the party having the largest number of registered
12 | voters.

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

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

24 | SECTION 4. Disqualifications.--

25 | (a) No person convicted of a felony, or adjudicated in
26 | this or any other state to be mentally incompetent, shall be
27 | qualified to vote or hold office until restoration of civil
28 | rights or removal of disability.

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

31 | (1) Florida representative,

- 1 (2) Florida senator,
2 (3) Florida Lieutenant governor, or
3 (4) Any office of the Florida cabinet,
4 ~~(5) U.S. Representative from Florida, or~~
5 ~~(6) U.S. Senator from Florida~~

6
7 if, by the end of the current term of office, the person will
8 have served (or, but for resignation, would have served) in
9 that office for eight consecutive years.

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

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

21 (b) If all candidates for an office have the same
22 party affiliation and the winner will have no opposition in
23 the general election, all qualified electors, regardless of
24 party affiliation, may vote in the primary elections for that
25 office.

26 SECTION 6. Municipal and district
27 elections.--Registration and elections in municipalities
28 shall, and in other governmental entities created by statute
29 may, be provided by law.

30 SECTION 7. Campaign spending limits and funding of
31 campaigns for elective statewide ~~state-wide~~ office.--It is the

1 policy of this state to provide for state-wide elections in
2 which all qualified candidates may compete effectively. A
3 method of public financing for campaigns for state-wide office
4 shall be established by law. Spending limits shall be
5 established for such campaigns for candidates who use public
6 funds in their campaigns. The legislature shall provide
7 funding for this provision. General law implementing this
8 paragraph shall be at least as protective of effective
9 competition by a candidate who uses public funds as the
10 general law in effect on January 1, 1998.

11
12 ARTICLE VII
13 FINANCE AND TAXATION
14

15 SECTION 1. Taxation; appropriations; state expenses;
16 state revenue limitation.--

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

21 (b) Motor vehicles, boats, airplanes, trailers,
22 trailer coaches, and mobile homes, as defined by law, shall be
23 subject to a license tax for their operation in the amounts
24 and for the purposes prescribed by law, but shall not be
25 subject to ad valorem taxes.

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

28 (d) Provision shall be made by law for raising
29 sufficient revenue to defray the expenses of the state for
30 each fiscal period.
31

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

1 set forth in documents authorizing the issuance of bonds by
2 the state; revenues that are used to provide matching funds
3 for the federal Medicaid program with the exception of the
4 revenues used to support the Public Medical Assistance Trust
5 Fund or its successor program and with the exception of state
6 matching funds used to fund elective expansions made after
7 July 1, 1994; proceeds from the state lottery returned as
8 prizes; receipts of the Florida Hurricane Catastrophe Fund;
9 balances carried forward from prior fiscal years; taxes,
10 licenses, fees, and charges for services imposed by local,
11 regional, or school district governing bodies; or revenue from
12 taxes, licenses, fees, and charges for services required to be
13 imposed by any amendment or revision to this constitution
14 after July 1, 1994. An adjustment to the revenue limitation
15 shall be made by general law to reflect the fiscal impact of
16 transfers of responsibility for the funding of governmental
17 functions between the state and other levels of government.
18 The legislature shall, by general law, prescribe procedures
19 necessary to administer this subsection.

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

29 SECTION 3. Taxes; exemptions.--

30 (a) All property owned by a municipality and used
31 exclusively by it for municipal or public purposes shall be

1 exempt from taxation. A municipality, owning property outside
2 the municipality, may be required by general law to make
3 payment to the taxing unit in which the property is located.
4 Such portions of property as are used predominantly for
5 educational, literary, scientific, religious, or charitable
6 purposes may be exempted by general law from taxation.

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

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

1 business shall be determined by general law. The authority to
2 grant such exemption shall expire ten years from the date of
3 approval by the electors of the county or municipality, and
4 may be renewable by referendum as provided by general law.

5 (d) By general law and subject to conditions specified
6 therein, there may be granted an ad valorem tax exemption to a
7 renewable energy source device and to real property on which
8 such device is installed and operated, to the value fixed by
9 general law not to exceed the original cost of the device, and
10 for the period of time fixed by general law not to exceed ten
11 years.

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

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

26 (a) Agricultural land, land producing high water
27 recharge to Florida's aquifers, or land used exclusively for
28 noncommercial recreational purposes may be classified by
29 general law and assessed solely on the basis of character or
30 use.

31

1 (b) Pursuant to general law, tangible personal
2 property held for sale as stock in trade and livestock may be
3 valued for taxation at a specified percentage of its value,
4 may be classified for tax purposes, or may be exempted from
5 taxation.

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

11 (1) Assessments subject to this provision shall be
12 changed annually on January 1st of each year; but those
13 changes in assessments shall not exceed the lower of the
14 following:

15 a. Three percent ~~(3%)~~ of the assessment for the prior
16 year.

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

22 (2) No assessment shall exceed just value.

23 (3) After any change of ownership, as provided by
24 general law, homestead property shall be assessed at just
25 value as of January 1 of the following year. Thereafter, the
26 homestead shall be assessed as provided herein.

27 (4) New homestead property shall be assessed at just
28 value as of January 1st of the year following the
29 establishment of the homestead. That assessment shall only
30 change as provided herein.

31

1 (5) Changes, additions, reductions, or improvements to
2 homestead property shall be assessed as provided for by
3 general law; provided, however, after the adjustment for any
4 change, addition, reduction, or improvement, the property
5 shall be assessed as provided herein.

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

8 (7) The provisions of this amendment are severable. If
9 any of the provisions of this amendment shall be held
10 unconstitutional by any court of competent jurisdiction, the
11 decision of such court shall not affect or impair any
12 remaining provisions of this amendment.

13 (d) The legislature may, by general law, for
14 assessment purposes and subject to the provisions of this
15 subsection, allow counties and municipalities to authorize by
16 ordinance that historic property may be assessed solely on the
17 basis of character or use. Such character or use assessment
18 shall apply only to the jurisdiction adopting the ordinance.
19 The requirements for eligible properties must be specified by
20 general law.

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

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

3 (2) Twenty percent of the total assessed value of the
4 property as improved.

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

6 (a) NATURAL PERSONS.--No tax upon estates or
7 inheritances or upon the income of natural persons who are
8 residents or citizens of the state shall be levied by the
9 state, or under its authority, in excess of the aggregate of
10 amounts that ~~which~~ may be allowed to be credited upon or
11 deducted from any similar tax levied by the United States or
12 any state.

13 (b) OTHERS.--No tax upon the income of residents and
14 citizens other than natural persons shall be levied by the
15 state, or under its authority, in excess of five percent ~~5%~~ of
16 net income, as defined by law, or at such greater rate as is
17 authorized by a three-fifths(3/5)vote of the membership of
18 each house of the legislature or as will provide for the state
19 the maximum amount which may be allowed to be credited against
20 income taxes levied by the United States and other states.
21 There shall be exempt from taxation not less than five
22 thousand dollars(~~\$5,000~~) of the excess of net income subject
23 to tax over the maximum amount allowed to be credited against
24 income taxes levied by the United States and other states.

25 ~~(c) EFFECTIVE DATE. This section shall become~~
26 ~~effective immediately upon approval by the electors of~~
27 ~~Florida.~~

28 SECTION 6. Homestead exemptions.--

29 (a) Every person who has the legal or equitable title
30 to real estate and maintains thereon the permanent residence
31 of the owner, or another legally or naturally dependent upon

1 the owner, shall be exempt from taxation thereon, except
2 assessments for special benefits, up to the assessed valuation
3 of five thousand dollars, upon establishment of right thereto
4 in the manner prescribed by law. The real estate may be held
5 by legal or equitable title, by the entireties, jointly, in
6 common, as a condominium, or indirectly by stock ownership or
7 membership representing the owner's or member's proprietary
8 interest in a corporation owning a fee or a leasehold
9 initially in excess of ninety-eight years.

10 (b) Not more than one exemption shall be allowed any
11 individual or family unit or with respect to any residential
12 unit. No exemption shall exceed the value of the real estate
13 assessable to the owner or, in case of ownership through stock
14 or membership in a corporation, the value of the proportion
15 which the interest in the corporation bears to the assessed
16 value of the property.

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

27 (d) By general law and subject to conditions specified
28 therein, the exemption shall be increased to a total of the
29 following amounts of assessed value of real estate for each
30 levy other than those of school districts: fifteen thousand
31 dollars with respect to 1980 assessments; twenty thousand

1 | dollars with respect to 1981 assessments; twenty-five thousand
2 | dollars with respect to assessments for 1982 and each year
3 | thereafter. However, such increase shall not apply with
4 | respect to any assessment roll until such roll is first
5 | determined to be in compliance with the provisions of section
6 | 4 by a state agency designated by general law. This subsection
7 | shall stand repealed on the effective date of any amendment to
8 | section 4 which provides for the assessment of homestead
9 | property at a specified percentage of its just value.

10 | (e) By general law and subject to conditions specified
11 | therein, the legislature may provide to renters, who are
12 | permanent residents, ad valorem tax relief on all ad valorem
13 | tax levies. Such ad valorem tax relief shall be in the form
14 | and amount established by general law.

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

30 | SECTION 7. Allocation of pari-mutuel taxes.--Taxes
31 | upon the operation of pari-mutuel pools may be preempted to

1 the state or allocated in whole or in part to the counties.

2 When allocated to the counties, the distribution shall be in
3 equal amounts to the several counties.

4 SECTION 8. Aid to local governments.--State funds may
5 be appropriated to the several counties, school districts,
6 municipalities, or special districts upon such conditions as
7 may be provided by general law. These conditions may include
8 the use of relative ad valorem assessment levels determined by
9 a state agency designated by general law.

10 SECTION 9. Local taxes.--

11 (a) Counties, school districts, and municipalities
12 shall, and special districts may, be authorized by law to levy
13 ad valorem taxes and may be authorized by general law to levy
14 other taxes, for their respective purposes, except ad valorem
15 taxes on intangible personal property and taxes prohibited by
16 this constitution.

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

1 may, to the extent authorized by law, levy additional taxes
2 within the limits fixed for municipal purposes.

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

9 (a) The investment of public trust funds;

10 (b) The investment of other public funds in
11 obligations of, or insured by, the United States or any of its
12 instrumentalities;

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

29 (d) A municipality, county, special district, or
30 agency of any of them, being a joint owner of, giving, or
31 lending or using its taxing power or credit for the joint

1 ownership, construction, and operation of electrical energy
2 generating or transmission facilities with any corporation,
3 association, partnership, or person.

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

5 (a) State bonds pledging the full faith and credit of
6 the state may be issued only to finance or refinance the cost
7 of state fixed capital outlay projects authorized by law, and
8 purposes incidental thereto, upon approval by a vote of the
9 electors; provided state bonds issued pursuant to this
10 subsection may be refunded without a vote of the electors at a
11 lower net average interest cost rate. The total outstanding
12 principal of state bonds issued pursuant to this subsection
13 shall never exceed fifty percent of the total tax revenues of
14 the state for the two preceding fiscal years, excluding any
15 tax revenues held in trust under the provisions of this
16 constitution.

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

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

22 (d) Revenue bonds may be issued by the state or its
23 agencies without a vote of the electors to finance or
24 refinance the cost of state fixed capital outlay projects
25 authorized by law, and purposes incidental thereto, and shall
26 be payable solely from funds derived directly from sources
27 other than state tax revenues.

28 (e) Bonds pledging all or part of a dedicated state
29 tax revenue may be issued by the state in the manner provided
30 by general law to finance or refinance the acquisition and
31 improvement of land, water areas, and related property

1 interests and resources for the purposes of conservation,
2 outdoor recreation, water resource development, restoration of
3 natural systems, and historic preservation.

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

8 SECTION 12. Local bonds.--Counties, school districts,
9 municipalities, special districts, and local governmental
10 bodies with taxing powers may issue bonds, certificates of
11 indebtedness, or any form of tax anticipation certificates,
12 payable from ad valorem taxation and maturing more than twelve
13 months after issuance only:

14 (a) To finance or refinance capital projects
15 authorized by law and only when approved by vote of the
16 electors who are owners of freeholds therein not wholly exempt
17 from taxation; or

18 (b) To refund outstanding bonds and interest and
19 redemption premium thereon at a lower net average interest
20 cost rate.

21 SECTION 13. Relief from illegal taxes.--Until payment
22 of all taxes which have been legally assessed upon the
23 property of the same owner, no court shall grant relief from
24 the payment of any tax that may be illegal or illegally
25 assessed.

26 SECTION 14. Bonds for pollution control and abatement
27 and other water facilities.--

28 (a) When authorized by law, state bonds pledging the
29 full faith and credit of the state may be issued without an
30 election to finance the construction of air and water
31 pollution control and abatement and solid waste disposal

1 facilities and other water facilities authorized by general
2 law (herein referred to as "facilities") to be operated by any
3 municipality, county, district or authority, or any agency
4 thereof (herein referred to as "local governmental agencies"),
5 or by any agency of the State of Florida. Such bonds shall be
6 secured by a pledge of and shall be payable primarily from all
7 or any part of revenues to be derived from operation of such
8 facilities, special assessments, rentals to be received under
9 lease-purchase agreements herein provided for, any other
10 revenues that may be legally available for such purpose,
11 including revenues from other facilities, or any combination
12 thereof (herein collectively referred to as "pledged
13 revenues"), and shall be additionally secured by the full
14 faith and credit of the State of Florida.

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

21 (c) The state may lease any of such facilities to any
22 local governmental agency, under lease-purchase agreements for
23 such periods and under such other terms and conditions as may
24 be mutually agreed upon. The local governmental agencies may
25 pledge the revenues derived from such leased facilities or any
26 other available funds for the payment of rentals thereunder;
27 and, in addition, the full faith and credit and taxing power
28 of such local governmental agencies may be pledged for the
29 payment of such rentals without any election of freeholder
30 electors or qualified electors.

31

1 (d) The state may also issue such bonds for the
2 purpose of loaning money to local governmental agencies, for
3 the construction of such facilities to be owned or operated by
4 any of such local governmental agencies. Such loans shall bear
5 interest at not more than one-half of one percent ~~per cent~~ per
6 annum greater than the last preceding issue of state bonds
7 pursuant to this section, shall be secured by the pledged
8 revenues, and may be additionally secured by the full faith
9 and credit of the local governmental agencies.

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

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

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

1 (b) Interest moneys in the fund established pursuant
2 to this section, not required in any fiscal year for payment
3 of debt service on then outstanding revenue bonds or for
4 maintenance of the reserve account, may be used for
5 educational loans to students determined to be eligible
6 therefor in the manner provided by law, or for such other
7 related purposes as may be provided by law.

8 SECTION 16. Bonds for housing and related
9 facilities.--

10 (a) When authorized by law, revenue bonds may be
11 issued without an election to finance or refinance housing and
12 related facilities in Florida, herein referred to as
13 "facilities."

14 (b) The bonds shall be secured by a pledge of and
15 shall be payable primarily from all or any part of revenues to
16 be derived from the financing, operation, or sale of such
17 facilities, mortgage or loan payments, and any other revenues
18 or assets that may be legally available for such purposes
19 derived from sources other than ad valorem taxation, including
20 revenues from other facilities, or any combination thereof,
21 herein collectively referred to as "pledged revenues,"
22 provided that in no event shall the full faith and credit of
23 the state be pledged to secure such revenue bonds.

24 (c) No bonds shall be issued unless a state fiscal
25 agency, created by law, has made a determination that in no
26 state fiscal year will the debt service requirements of the
27 bonds proposed to be issued and all other bonds secured by the
28 same pledged revenues exceed the pledged revenues available
29 for payment of such debt service requirements, as defined by
30 law.

31

1 SECTION 17. Bonds for acquiring transportation
2 right-of-way or for constructing bridges.--

3 (a) When authorized by law, state bonds pledging the
4 full faith and credit of the state may be issued, without a
5 vote of the electors, to finance or refinance the cost of
6 acquiring real property or the rights to real property for
7 state roads as defined by law~~7~~ or to finance or refinance the
8 cost of state bridge construction~~7~~ and purposes incidental to
9 such property acquisition or state bridge construction.

10 (b) Bonds issued under this section shall be secured
11 by a pledge of and shall be payable primarily from motor fuel
12 or special fuel taxes, except those defined in Article XII,
13 section 7(c) ~~9(c) of Article XII~~, as provided by law, and
14 shall additionally be secured by the full faith and credit of
15 the state.

16 (c) No bonds shall be issued under this section unless
17 a state fiscal agency, created by law, has made a
18 determination that in no state fiscal year will the debt
19 service requirements of the bonds proposed to be issued and
20 all other bonds secured by the same pledged revenues exceed
21 ninety percent of the pledged revenues available for payment
22 of such debt service requirements, as defined by law. For the
23 purposes of this subsection, the term "pledged revenues" means
24 all revenues pledged to the payment of debt service, excluding
25 any pledge of the full faith and credit of the state.

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

29 (a) No county or municipality shall be bound by any
30 general law requiring such county or municipality to spend
31 funds or to take an action requiring the expenditure of funds

1 unless the legislature has determined that such law fulfills
2 an important state interest and unless: funds have been
3 appropriated that have been estimated at the time of enactment
4 to be sufficient to fund such expenditure; the legislature
5 authorizes or has authorized a county or municipality to enact
6 a funding source not available for such county or municipality
7 on February 1, 1989, that can be used to generate the amount
8 of funds estimated to be sufficient to fund such expenditure
9 by a simple majority vote of the governing body of such county
10 or municipality; the law requiring such expenditure is
11 approved by two-thirds of the membership in each house of the
12 legislature; the expenditure is required to comply with a law
13 that applies to all persons similarly situated, including the
14 state and local governments; or the law is either required to
15 comply with a federal requirement or required for eligibility
16 for a federal entitlement, which federal requirement
17 specifically contemplates actions by counties or
18 municipalities for compliance.

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

26 (c) Except upon approval of each house of the
27 legislature by two-thirds of the membership, the legislature
28 may not enact, amend, or repeal any general law if the
29 anticipated effect of doing so would be to reduce the
30 percentage of a state tax shared with counties and
31 municipalities as an aggregate on February 1, 1989. The

1 provisions of this subsection shall not apply to enhancements
 2 enacted after February 1, 1989, to state tax sources, or
 3 during a fiscal emergency declared in a written joint
 4 proclamation issued by the president of the senate and the
 5 speaker of the house of representatives, or where the
 6 legislature provides additional state-shared revenues that
 7 ~~which~~ are anticipated to be sufficient to replace the
 8 anticipated aggregate loss of state-shared revenues resulting
 9 from the reduction of the percentage of the state tax shared
 10 with counties and municipalities, which source of replacement
 11 revenues shall be subject to the same requirements for repeal
 12 or modification as provided herein for a state-shared tax
 13 source existing on February 1, 1989.

14 (d) Laws adopted to require funding of pension
 15 benefits existing on January 8, 1991; ~~the effective date of~~
 16 ~~this section~~; criminal laws; election laws; the general
 17 appropriations act; special appropriations acts; laws
 18 reauthorizing but not expanding then-existing statutory
 19 authority; laws having insignificant fiscal impact; and laws
 20 creating, modifying, or repealing noncriminal infractions, are
 21 exempt from the requirements of this section.

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

24
 25 ARTICLE VIII

26 LOCAL GOVERNMENT

27
 28 SECTION 1. Counties.--

29 (a) POLITICAL SUBDIVISIONS.--The state shall be
 30 divided by law into political subdivisions called counties.

31

1 Counties may be created, abolished~~,~~ or changed by law, with
2 provision for payment or apportionment of the public debt.

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

5 (c) GOVERNMENT.--Pursuant to general or special law, a
6 county government may be established by charter that ~~which~~
7 shall be adopted, amended~~,~~ or repealed only upon vote of the
8 electors of the county in a special election called for that
9 purpose.

10 (d) COUNTY OFFICERS.--There shall be elected by the
11 electors of each county, for terms of four years, a sheriff, a
12 tax collector, a property appraiser, a supervisor of
13 elections, and a clerk of the circuit court; except, when
14 provided by county charter or special law approved by vote of
15 the electors of the county, any county officer may be chosen
16 in another manner therein specified, or any county office may
17 be abolished when all the duties of the office prescribed by
18 general law are transferred to another office. When not
19 otherwise provided by county charter or special law approved
20 by vote of the electors, the clerk of the circuit court shall
21 be ex officio clerk of the board of county commissioners,
22 auditor, recorder~~,~~ and custodian of all county funds.

23 (e) COMMISSIONERS.--Except when otherwise provided by
24 county charter, the governing body of each county shall be a
25 board of county commissioners composed of five or seven
26 members serving staggered terms of four years. After each
27 decennial census~~,~~ the board of county commissioners shall
28 divide the county into districts of contiguous territory as
29 nearly equal in population as practicable. One commissioner
30 residing in each district shall be elected as provided by law.

31

1 (f) NON-CHARTER GOVERNMENT.--Counties not operating
2 under county charters shall have such power of self-government
3 as is provided by general or special law. The board of county
4 commissioners of a county not operating under a charter may
5 enact, in a manner prescribed by general law, county
6 ordinances not inconsistent with general or special law, but
7 an ordinance in conflict with a municipal ordinance shall not
8 be effective within the municipality to the extent of such
9 conflict.

10 (g) CHARTER GOVERNMENT.--Counties operating under
11 county charters shall have all powers of local self-government
12 not inconsistent with general law, or with special law
13 approved by vote of the electors. The governing body of a
14 county operating under a charter may enact county ordinances
15 not inconsistent with general law. The charter shall provide
16 which shall prevail in the event of conflict between county
17 and municipal ordinances.

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

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

26 (j) VIOLATION OF ORDINANCES.--Persons violating county
27 ordinances shall be prosecuted and punished as provided by
28 law.

29 (k) COUNTY SEAT.--In every county there shall be a
30 county seat at which shall be located the principal offices
31 and permanent records of all county officers. The county seat

1 may not be moved except as provided by general law. Branch
2 offices for the conduct of county business may be established
3 elsewhere in the county by resolution of the governing body of
4 the county in the manner prescribed by law. No instrument
5 shall be deemed recorded until filed at the county seat, or a
6 branch office designated by the governing body of the county
7 for the recording of instruments, according to law.

8 SECTION 2. Municipalities.--

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

13 (b) POWERS.--Municipalities shall have governmental,
14 corporate, and proprietary powers to enable them to conduct
15 municipal government, perform municipal functions and render
16 municipal services, and may exercise any power for municipal
17 purposes except as otherwise provided by law. Each municipal
18 legislative body shall be elective.

19 (c) ANNEXATION.--Municipal annexation of
20 unincorporated territory, merger of municipalities, and
21 exercise of extra-territorial powers by municipalities shall
22 be as provided by general or special law.

23 SECTION 3. Consolidation.--The government of a county
24 and the government of one or more municipalities located
25 therein may be consolidated into a single government, which
26 may exercise any and all powers of the county and the several
27 municipalities. The consolidation plan may be proposed only by
28 special law, which shall become effective if approved by vote
29 of the electors of the county, or of the county and
30 municipalities affected, as may be provided in the plan.
31 Consolidation shall not extend the territorial scope of

1 | taxation for the payment of pre-existing debt except to areas
2 | whose residents receive a benefit from the facility or service
3 | for which the indebtedness was incurred.

4 | SECTION 4. Transfer of powers.--By law or by
5 | resolution of the governing bodies of each of the governments
6 | affected, any function or power of a county, municipality, or
7 | special district may be transferred to or contracted to be
8 | performed by another county, municipality, or special
9 | district, after approval by vote of the electors of the
10 | transferor and approval by vote of the electors of the
11 | transferee, or as otherwise provided by law.

12 | SECTION 5. Local option.--

13 | (a) Local option on the legality or prohibition of the
14 | sale of intoxicating liquors, wines, or beers shall be
15 | preserved to each county. The status of a county with respect
16 | thereto shall be changed only by vote of the electors in a
17 | special election called upon the petition of twenty-five
18 | percent ~~per cent~~ of the electors of the county, and not sooner
19 | than two years after an earlier election on the same question.
20 | Where legal, the sale of intoxicating liquors, wines, and
21 | beers shall be regulated by law.

22 | (b) Each county shall have the authority to require a
23 | criminal history records check and a 3-to-5-day ~~3 to 5 day~~
24 | waiting period, excluding weekends and legal holidays, in
25 | connection with the sale of any firearm occurring within such
26 | county. For purposes of this subsection, the term "sale" means
27 | the transfer of money or other valuable consideration for any
28 | firearm when any part of the transaction is conducted on
29 | property to which the public has the right of access. Holders
30 | of a concealed weapons permit as prescribed by general law
31 |

1 shall not be subject to the provisions of this subsection when
2 purchasing a firearm.

3 SECTION 6. Schedule to Article VIII.--

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

8 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES;
9 DISTRICTS.--The status of the following items as they exist on
10 the date this article becomes effective is recognized and
11 shall be continued until changed in accordance with law: the
12 counties of the state; their status with respect to the
13 legality of the sale of intoxicating liquors, wines, and
14 beers; the method of selection of county officers; the
15 performance of municipal functions by county officers; the
16 county seats; and the municipalities and special districts of
17 the state, their powers, jurisdiction, and government.

18 ~~(c) OFFICERS TO CONTINUE IN OFFICE. Every person~~
19 ~~holding office when this article becomes effective shall~~
20 ~~continue in office for the remainder of the term if that~~
21 ~~office is not abolished. If the office is abolished the~~
22 ~~incumbent shall be paid adequate compensation, to be fixed by~~
23 ~~law, for the loss of emoluments for the remainder of the term.~~

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

27 ~~(d)(e)~~ CONSOLIDATION AND HOME RULE.--Article VIII,
28 sections 9, 10, 11, and 24, of the constitution of 1885, as
29 amended, shall remain in full force and effect as to each
30 county affected, as if this article had not been adopted,
31 until that county shall expressly adopt a charter or home rule

1 plan pursuant to this article. All provisions of the
 2 Metropolitan Dade County Home Rule Charter, heretofore or
 3 hereafter adopted by the electors of Dade County pursuant to
 4 Article VIII, section 11, of the constitution of 1885, as
 5 amended, shall be valid, and any amendments to such charter
 6 shall be valid; provided that the said provisions of such
 7 charter and the said amendments thereto are authorized under
 8 said Article VIII, section 11, of the constitution of 1885, as
 9 amended.

10 (e)~~(f)~~ DADE COUNTY; POWERS CONFERRED UPON
 11 MUNICIPALITIES.--To the extent not inconsistent with the
 12 powers of existing municipalities or general law, the
 13 Metropolitan Government of Dade County may exercise all the
 14 powers conferred now or hereafter by general law upon
 15 municipalities.

16 (f)~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.--The
 17 legislature shall have power, by joint resolution, to delete
 18 from this article any subsection of this section ~~6~~, including
 19 this subsection, when all events to which the subsection to be
 20 deleted is or could become applicable have occurred. A
 21 legislative determination of fact made as a basis for
 22 application of this subsection shall be subject to judicial
 23 review.

24
 25 ARTICLE IX

26 EDUCATION

27
 28 SECTION 1. Public education.--

29 (a) The education of children is a fundamental value
 30 of the people of this ~~the~~ state ~~of Florida~~. It is, therefore,
 31 a paramount duty of the state to make adequate provision for

1 the education of all children residing within its borders.
2 Adequate provision shall be made by law for a uniform,
3 efficient, safe, secure, and high quality system of free
4 public schools that allows students to obtain a high quality
5 education and for the establishment, maintenance, and
6 operation of institutions of higher learning and other public
7 education programs that the needs of the people may require.
8 To assure that children attending public schools obtain a high
9 quality education, the legislature shall make adequate
10 provision to ensure that, by the beginning of the 2010 school
11 year, there are a sufficient number of classrooms so that:

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

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

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

21

22 The class size requirements of this subsection do not apply to
23 extracurricular classes. Payment of the costs associated with
24 reducing class size to meet these requirements is the
25 responsibility of the state and not of local school ~~schools~~
26 districts. ~~Beginning with the 2003-2004 fiscal year,~~ The
27 legislature shall provide sufficient funds to reduce the
28 average number of students in each classroom by at least two
29 students per year until the maximum number of students per
30 classroom does not exceed the requirements of this subsection.
31

1 (b) Every four-year-old ~~four-year-old~~ child in Florida
 2 shall be provided by the State a high-quality ~~high-quality~~
 3 pre-kindergarten learning opportunity in the form of an early
 4 childhood development and education program that ~~which~~ shall
 5 be voluntary, high quality, free, and delivered according to
 6 professionally accepted standards. An early childhood
 7 development and education program means an organized program
 8 designed to address and enhance each child's ability to make
 9 age-appropriate ~~age-appropriate~~ progress in an appropriate
 10 range of settings in the development of language and cognitive
 11 capabilities and emotional, social, regulatory, and moral
 12 capacities through education in basic skills and such other
 13 skills as the legislature may determine to be appropriate.

14 (c) The early childhood education and development
 15 programs provided by reason of subsection ~~subparagraph~~ (b)
 16 shall be implemented ~~no later than the beginning of the 2005~~
 17 ~~school year~~ through funds generated in addition to those used
 18 for existing education, health, and development programs.
 19 Existing education, health, and development programs are those
 20 funded by the state as of January 1, 2002, that provided for
 21 child or adult education, health care, or development.

22 SECTION 2. State board of education.--The state board
 23 of education shall be a body corporate and have such
 24 supervision of the system of free public education as is
 25 provided by law. The state board of education shall consist of
 26 seven members appointed by the governor to staggered 4-year
 27 terms, subject to confirmation by the senate. The state board
 28 of education shall appoint the commissioner of education.

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

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

2 (a) Each county shall constitute a school district,+
3 provided ~~that,~~ two or more contiguous counties, upon vote of
4 the electors of each county pursuant to law, may be combined
5 into one school district. In each school district,+ there shall
6 be a school board composed of five or more members chosen by
7 vote of the electors in a nonpartisan election for
8 appropriately staggered terms of four years, as provided by
9 law.

10 (b) The school board shall operate, control,+ and
11 supervise all free public schools within the school district
12 and determine the rate of school district taxes within the
13 limits prescribed herein. Two or more school districts may
14 operate and finance joint educational programs.

15 SECTION 5. Superintendent of schools.--In each school
16 district,+ there shall be a superintendent of schools who shall
17 be elected at the general election in each year the number of
18 which is a multiple of four for a term of four years; or, when
19 provided by resolution of the district school board, or by
20 special law, approved by vote of the electors, the district
21 school superintendent in any school district shall be employed
22 by the district school board as provided by general law. The
23 resolution or special law may be rescinded or repealed by
24 either procedure after four years.

25 SECTION 6. State school fund.--The income derived from
26 the state school fund shall, and the principal of the fund
27 may, be appropriated, but only to the support and maintenance
28 of free public schools.

29 SECTION 7. State University System.--

30 (a) PURPOSES. In order to achieve excellence through
31 teaching students, advancing research and providing public

1 service for the benefit of Florida's citizens, their
2 communities and economies, the people hereby establish a
3 system of governance for the state university system of
4 Florida.

5 (b) STATE UNIVERSITY SYSTEM. There shall be a single
6 state university system comprised of all public universities.
7 A board of trustees shall administer each public university
8 and a board of governors shall govern the state university
9 system.

10 (c) LOCAL BOARDS OF TRUSTEES. Each local constituent
11 university shall be administered by a board of trustees
12 consisting of thirteen members dedicated to the purposes of
13 the state university system. The board of governors shall
14 establish the powers and duties of the boards of trustees.
15 Each board of trustees shall consist of six citizen members
16 appointed by the governor and five citizen members appointed
17 by the board of governors. The appointed members shall be
18 confirmed by the senate and serve staggered terms of five
19 years as provided by law. The chair of the faculty senate, or
20 the equivalent, and the president of the student body of the
21 university shall also be members.

22 (d) STATEWIDE BOARD OF GOVERNORS. The board of
23 governors shall be a body corporate consisting of seventeen
24 members. The board shall operate, regulate, control, and be
25 fully responsible for the management of the whole university
26 system. These responsibilities shall include, but not be
27 limited to, defining the distinctive mission of each
28 constituent university and its articulation with free public
29 schools and community colleges, ensuring the well-planned
30 coordination and operation of the system, and avoiding
31 wasteful duplication of facilities or programs. The board's

1 management shall be subject to the powers of the legislature
 2 to appropriate for the expenditure of funds, and the board
 3 shall account for such expenditures as provided by law. The
 4 governor shall appoint to the board fourteen citizens
 5 dedicated to the purposes of the state university system. The
 6 appointed members shall be confirmed by the senate and serve
 7 staggered terms of seven years as provided by law. The
 8 commissioner of education, the chair of the advisory council
 9 of faculty senates, or the equivalent, and the president of
 10 the Florida student association, or the equivalent, shall also
 11 be members of the board.

12
 13 ARTICLE X
 14 MISCELLANEOUS
 15

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

22 SECTION 1 ~~2~~. Militia.--

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

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

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

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

10 SECTION 2 ~~3~~. Vacancy in office.--Vacancy in office
11 shall occur upon the creation of an office, upon the death,
12 removal from office, or resignation of the incumbent or the
13 incumbent's succession to another office, unexplained absence
14 for sixty consecutive days, or failure to maintain the
15 residence required when elected or appointed, and upon failure
16 of one elected or appointed to office to qualify within thirty
17 days from the commencement of the term.

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

19 (a) There shall be exempt from forced sale under
20 process of any court, and no judgment, decree, or execution
21 shall be a lien thereon, except for the payment of taxes and
22 assessments thereon, obligations contracted for the purchase,
23 improvement, or repair thereof, or obligations contracted for
24 house, field, or other labor performed on the realty, the
25 following property owned by a natural person:

26 (1) A homestead, if located outside a municipality, to
27 the extent of one hundred sixty acres of contiguous land and
28 improvements thereon, which shall not be reduced without the
29 owner's consent by reason of subsequent inclusion in a
30 municipality; or if located within a municipality, to the
31 extent of one-half acre of contiguous land, upon which the

1 exemption shall be limited to the residence of the owner or
2 the owner's family;

3 (2) Personal property to the value of one thousand
4 dollars.

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

7 (c) The homestead shall not be subject to devise if
8 the owner is survived by spouse or minor child, except the
9 homestead may be devised to the owner's spouse if there be no
10 minor child. The owner of homestead real estate, joined by the
11 spouse if married, may alienate the homestead by mortgage,
12 sale, or gift and, if married, may by deed transfer the title
13 to an estate by the entirety with the spouse. If the owner or
14 spouse is incompetent, the method of alienation or encumbrance
15 shall be as provided by law.

16 ~~SECTION 5. Coverture and property. There shall be no~~
17 ~~distinction between married women and married men in the~~
18 ~~holding, control, disposition, or encumbering of their~~
19 ~~property, both real and personal; except that dower or curtesy~~
20 ~~may be established and regulated by law.~~

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

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

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

29 SECTION 5 ~~7~~. Lotteries.--Lotteries, other than the
30 types of pari-mutuel pools authorized by law as of January 7,
31

1 ~~1969 the effective date of this constitution~~, are hereby
 2 prohibited in this state.

3 SECTION 6 ~~8~~. Census.--

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

6 (b) Each decennial census, for the purpose of
 7 classifications based upon population, shall become effective
 8 on the thirtieth day after the final adjournment of the
 9 regular session of the legislature convened next after
 10 certification of the census.

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

14 SECTION 8 ~~10~~. Felony; definition.--The term "felony₁"
 15 as used herein and in the laws of this state₁ shall mean any
 16 criminal offense that is punishable under the laws of this
 17 state, or that would be punishable if committed in this state,
 18 by death or by imprisonment in the state penitentiary.

19 SECTION 9 ~~11~~. Sovereignty lands.--The title to lands
 20 under navigable waters, within the boundaries of the state,
 21 which have not been alienated, including beaches below mean
 22 high water lines, is held by the state, by virtue of its
 23 sovereignty, in trust for all the people. Sale of such lands
 24 may be authorized by law, but only when in the public
 25 interest. Private use of portions of such lands may be
 26 authorized by law, but only when not contrary to the public
 27 interest.

28 SECTION 10 ~~12~~. Rules of construction.--Unless
 29 qualified in the text₁ the following rules of construction
 30 shall apply to this constitution.

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

1 (b) The singular includes the plural.

2 (c) The masculine includes the feminine.

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

7 (e) Vote or other action of a legislative house or
8 other governmental body means the vote or action of a majority
9 or other specified percentage of those members voting on the
10 matter. "Of the membership" means "of all members thereof."

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

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

15 (h) Titles and subtitles shall not be used in
16 construction.

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

20 SECTION 12 ~~14~~. State retirement systems benefit
21 changes.--A governmental unit responsible for any retirement
22 or pension system supported in whole or in part by public
23 funds shall not, after January 1, 1977, provide any increase
24 in the benefits to the members or beneficiaries of such system
25 unless such unit has made or concurrently makes provision for
26 the funding of the increase in benefits on a sound actuarial
27 basis.

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

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

30 (b) If any subsection or subsections of the amendment
31 to the Florida Constitution are held unconstitutional for

1 containing more than one subject, this amendment shall be
2 limited to subsection (a) above.

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

4 ~~(1) Schedule On the effective date of this amendment,~~

5 The lotteries shall be known as the Florida Education
6 Lotteries. Net proceeds derived from the lotteries shall be
7 deposited to a state trust fund, to be designated The State
8 Education Lotteries Trust Fund, to be appropriated by the
9 legislature. The schedule may be amended by general law.

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

11 (a) The marine resources of the State of Florida
12 belong to all of the people of the state and should be
13 conserved and managed for the benefit of the state, its
14 people, and future generations. To this end, the people hereby
15 enact limitations on marine net fishing in Florida waters to
16 protect saltwater finfish, shellfish, and other marine animals
17 from unnecessary killing, overfishing, and waste.

18 (b) For the purpose of catching or taking any
19 saltwater finfish, shellfish, or other marine animals in
20 Florida waters:

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

23 (2) In addition to the prohibition set forth in
24 paragraph (1), no other type of net containing more than 500
25 square feet of mesh area shall be used in nearshore and
26 inshore Florida waters. Additionally, no more than two such
27 nets, which shall not be connected, shall be used from any
28 vessel, and no person not on a vessel shall use more than one
29 such net in nearshore and inshore Florida waters.

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

31

1 (1) "Gill net" means one or more walls of netting
2 which captures saltwater finfish by ensnaring or entangling
3 them in the meshes of the net by the gills, and "entangling
4 net" means a drift net, trammell net, stab net, or any other
5 net which captures saltwater finfish, shellfish, or other
6 marine animals by causing all or part of heads, fins, legs, or
7 other body parts to become entangled or ensnared in the meshes
8 of the net, but a hand-thrown ~~hand-thrown~~ cast net is not a
9 gill net or an entangling net;

10 (2) "Mesh area" of a net means the total area of
11 netting with the meshes open to comprise the maximum square
12 footage. The square footage shall be calculated using standard
13 mathematical formulas for geometric shapes. Seines and other
14 rectangular nets shall be calculated using the maximum length
15 and maximum width of the netting. Trawls and other bag type
16 nets shall be calculated as a cone using the maximum
17 circumference of the net mouth to derive the radius, and the
18 maximum length from the net mouth to the tail end of the net
19 to derive the slant height. Calculations for any other nets or
20 combination type nets shall be based on the shapes of the
21 individual components;

22 (3) "Coastline" means the territorial sea base line
23 for the State of Florida established pursuant to the laws of
24 the United States of America;

25 (4) "Florida waters" means the waters of the Atlantic
26 Ocean, the Gulf of Mexico, the Straits of Florida, and any
27 other bodies of water under the jurisdiction of the State of
28 Florida, whether coastal, intracoastal, or inland, and any
29 part thereof; and

30 (5) "Nearshore and inshore Florida waters" means all
31 Florida waters inside a line three miles seaward of the

1 coastline along the Gulf of Mexico and inside a line one mile
2 seaward of the coastline along the Atlantic Ocean.

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

5 (e) Persons violating this section shall be prosecuted
6 and punished pursuant to the penalties provided in ~~s. section~~
7 370.021(2)(a),(b),(c)6. and 7., and (e), Florida Statutes
8 (1991), unless and until the legislature enacts more stringent
9 penalties for violations hereof. ~~On and after the effective~~
10 ~~date of this section,~~ Law enforcement officers in the state
11 are authorized to enforce the provisions of this section in
12 the same manner and authority as if a violation of this
13 section constituted a violation of chapter 370, Florida
14 Statutes (1991).

15 (f) It is the intent of this section that implementing
16 legislation is not required for enforcing any violations
17 hereof, but nothing in this section prohibits the
18 establishment by law or pursuant to law of more restrictions
19 on the use of nets for the purpose of catching or taking any
20 saltwater finfish, shellfish, or other marine animals.

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

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

27 SECTION 15 ~~17~~. Everglades Trust Fund.--

28 (a) There is hereby established the Everglades Trust
29 Fund, which shall not be subject to termination pursuant to
30 Article III, section 18(f) ~~19(f)~~. The purpose of the
31 Everglades Trust Fund is to make funds available to assist in

1 conservation and protection of natural resources and abatement
 2 of water pollution in the Everglades Protection Area and the
 3 Everglades Agricultural Area. The trust fund shall be
 4 administered by the South Florida Water Management District,
 5 or its successor agency, consistent with statutory law.

6 (b) The Everglades Trust Fund may receive funds from
 7 any source, including gifts from individuals, corporations, or
 8 other entities; funds from general revenue as determined by
 9 the legislature; and any other funds so designated by the
 10 legislature, by the United States Congress, or by any other
 11 governmental entity.

12 (c) Funds deposited to the Everglades Trust Fund shall
 13 be expended for purposes of conservation and protection of
 14 natural resources and abatement of water pollution in the
 15 Everglades Protection Area and Everglades Agricultural Area.

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

20 SECTION 16 ~~18~~. Disposition of conservation lands.--The
 21 fee interest in real property held by an entity of the state
 22 and designated for natural resources conservation purposes as
 23 provided by general law shall be managed for the benefit of
 24 the citizens of this state and may be disposed of only if the
 25 members of the governing board of the entity holding title
 26 determine the property is no longer needed for conservation
 27 purposes and only upon a vote of two-thirds of the governing
 28 board.

29 ~~SECTION 19. High speed ground transportation~~
 30 ~~system. To reduce traffic congestion and provide alternatives~~
 31 ~~to the traveling public, it is hereby declared to be in the~~

1 ~~public interest that a high speed ground transportation system~~
2 ~~consisting of a monorail, fixed guideway or magnetic~~
3 ~~levitation system, capable of speeds in excess of 120 miles~~
4 ~~per hour, be developed and operated in the State of Florida to~~
5 ~~provide high speed ground transportation by innovative,~~
6 ~~efficient and effective technologies consisting of dedicated~~
7 ~~rails or guideways separated from motor vehicular traffic that~~
8 ~~will link the five largest urban areas of the State as~~
9 ~~determined by the Legislature and provide for access to~~
10 ~~existing air and ground transportation facilities and~~
11 ~~services. The Legislature, the Cabinet and the Governor are~~
12 ~~hereby directed to proceed with the development of such a~~
13 ~~system by the State and/or by a private entity pursuant to~~
14 ~~state approval and authorization, including the acquisition of~~
15 ~~right of way, the financing of design and construction of the~~
16 ~~system, and the operation of the system, as provided by~~
17 ~~specific appropriation and by law, with construction to begin~~
18 ~~on or before November 1, 2003.~~

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

20 (a) PROHIBITION.--As a Florida health initiative to
21 protect people from the health hazards of second-hand tobacco
22 smoke, tobacco smoking is prohibited in enclosed indoor
23 workplaces.

24 (b) EXCEPTIONS.--As further explained in the
25 definitions below, tobacco smoking may be permitted in private
26 residences whenever they are not being used commercially to
27 provide child care, adult care, or health care, or any
28 combination thereof; and further may be permitted in retail
29 tobacco shops, designated smoking guest rooms at hotels and
30 other public lodging establishments; and stand-alone bars.
31 However, nothing in this section or in its implementing

1 | legislation or regulations shall prohibit the owner, lessee,
2 | or other person in control of the use of an enclosed indoor
3 | workplace from further prohibiting or limiting smoking
4 | therein.

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

7 | (1) "Smoking" means inhaling, exhaling, burning,
8 | carrying, or possessing any lighted tobacco product, including
9 | cigarettes, cigars, pipe tobacco, and any other lighted
10 | tobacco product.

11 | (2) "Second-hand smoke," also known as environmental
12 | tobacco smoke(~~ETS~~), means smoke emitted from lighted,
13 | smoldering, or burning tobacco when the smoker is not
14 | inhaling; smoke emitted at the mouthpiece during puff drawing;
15 | and smoke exhaled by the smoker.

16 | (3) "Work" means any person's providing any employment
17 | or employment-type service for or at the request of another
18 | individual or individuals or any public or private entity,
19 | whether for compensation or not, whether full or part-time,
20 | whether legally or not. "Work" includes, without limitation,
21 | any such service performed by an employee, independent
22 | contractor, agent, partner, proprietor, manager, officer,
23 | director, apprentice, trainee, associate, servant, volunteer,
24 | and the like.

25 | (4) "Enclosed indoor workplace" means any place where
26 | one or more persons engages in work, and which place is
27 | predominantly or totally bounded on all sides and above by
28 | physical barriers, regardless of whether such barriers consist
29 | of or include uncovered openings, screened or otherwise
30 | partially covered openings; or open or closed windows,
31 | jalousies, doors, or the like. This section applies to all

1 such enclosed indoor workplaces without regard to whether work
2 is occurring at any given time.

3 (5) "Commercial" use of a private residence means any
4 time during which the owner, lessee, or other person occupying
5 or controlling the use of the private residence is furnishing
6 in the private residence, or causing or allowing to be
7 furnished in the private residence, child care, adult care, or
8 health care, or any combination thereof, and receiving or
9 expecting to receive compensation therefor.

10 (6) "Retail tobacco shop" means any enclosed indoor
11 workplace dedicated to or predominantly for the retail sale of
12 tobacco, tobacco products, and accessories for such products,
13 in which the sale of other products or services is merely
14 incidental.

15 (7) "Designated smoking guest rooms at public lodging
16 establishments" means the sleeping rooms and directly
17 associated private areas, such as bathrooms, living rooms, and
18 kitchen areas, if any, rented to guests for their exclusive
19 transient occupancy in public lodging establishments including
20 hotels, motels, resort condominiums, transient apartments,
21 transient lodging establishments, rooming houses, boarding
22 houses, resort dwellings, bed and breakfast inns, and the
23 like; and designated by the person or persons having
24 management authority over such public lodging establishment as
25 rooms in which smoking may be permitted.

26 (8) "Stand-alone bar" means any place of business
27 devoted during any time of operation predominantly or totally
28 to serving alcoholic beverages, intoxicating beverages, or
29 intoxicating liquors, or any combination thereof, for
30 consumption on the licensed premises; in which the serving of
31 food, if any, is merely incidental to the consumption of any

1 such beverage; and that is not located within, and does not
2 share any common entryway or common indoor area with, any
3 other enclosed indoor workplace including any business for
4 which the sale of food or any other product or service is more
5 than an incidental source of gross revenue.

6 (d) LEGISLATION. ~~--In the next regular legislative~~
7 ~~session occurring after voter approval of this amendment,~~ The
8 ~~Florida~~ legislature shall adopt legislation to implement this
9 amendment in a manner consistent with its broad purpose and
10 stated terms, ~~and having an effective date no later than July~~
11 ~~1 of the year following voter approval.~~ Such legislation shall
12 include, without limitation, civil penalties for violations of
13 this section; provisions for administrative enforcement; and
14 the requirement and authorization of agency rules for
15 implementation and enforcement. Nothing herein shall preclude
16 the legislature from enacting any law constituting or allowing
17 a more restrictive regulation of tobacco smoking than is
18 provided in this section.

19 ~~SECTION 21. Limiting cruel and inhumane confinement of~~
20 ~~pigs during pregnancy. Inhumane treatment of animals is a~~
21 ~~concern of Florida citizens. To prevent cruelty to certain~~
22 ~~animals and as recommended by The Humane Society of the United~~
23 ~~States, the people of the State of Florida hereby limit the~~
24 ~~cruel and inhumane confinement of pigs during pregnancy as~~
25 ~~provided herein.~~

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

30 (b) ~~This section shall not apply.~~

31

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

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

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

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

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

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

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

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

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

21 ~~(d) A person who violates this section shall be guilty~~
22 ~~of a misdemeanor of the first degree, punishable as provided~~
23 ~~in s. 775.082(4)(a), Florida Statutes (1999), as amended, or~~
24 ~~by a fine of not more than \$5000, or by both imprisonment and~~
25 ~~a fine, unless and until the legislature enacts more stringent~~
26 ~~penalties for violations hereof. On and after the effective~~
27 ~~date of this section, law enforcement officers in the state~~
28 ~~are authorized to enforce the provisions of this section in~~
29 ~~the same manner and authority as if a violation of this~~
30 ~~section constituted a violation of Section 828.13, Florida~~
31 ~~Statutes (1999). The confinement or tethering of each pig~~

1 ~~shall constitute a separate offense. The knowledge or acts of~~
 2 ~~agents and employees of a person in regard to a pig owned,~~
 3 ~~farmed or in the custody of a person, shall be held to be the~~
 4 ~~knowledge or act of such person.~~

5 ~~(e) It is the intent of this section that implementing~~
 6 ~~legislation is not required for enforcing any violations~~
 7 ~~hereof.~~

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

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

14 SECTION 18 ~~22~~. Parental notice of termination of a
 15 minor's pregnancy.--The legislature shall not limit or deny
 16 the privacy right guaranteed to a minor under the United
 17 States Constitution as interpreted by the United States
 18 Supreme Court. Notwithstanding a minor's right of privacy
 19 provided in Article I, section 23 ~~of Article I~~, the
 20 legislature is authorized to require by general law for
 21 notification to a parent or guardian of a minor before the
 22 termination of the minor's pregnancy. The legislature shall
 23 provide exceptions to such requirement for notification and
 24 shall create a process for judicial waiver of the
 25 notification.

26 SECTION 19 ~~23~~. Slot machines.--

27 (a) ~~After voter approval of this constitutional~~
 28 ~~amendment~~, The governing bodies of Miami-Dade and Broward
 29 Counties each may hold a countywide ~~county-wide~~ referendum in
 30 their respective counties on whether to authorize slot
 31 machines within existing, licensed pari-mutuel ~~parimutuel~~

1 facilities (thoroughbred and harness racing, greyhound racing,
2 and jai-alai) that have conducted live racing or games in that
3 county during ~~each of the last two~~ calendar years 2002 and
4 2003 ~~before the effective date of this amendment~~. If the
5 voters of such county approve the referendum question by
6 majority vote, slot machines shall be authorized in such
7 parimutuel facilities. If the voters of such county by
8 majority vote disapprove the referendum question, slot
9 machines shall not be so authorized, and the question shall
10 not be presented in another referendum in that county for at
11 least two years.

12 (b) ~~In the next regular Legislative session occurring~~
13 ~~after voter approval of this constitutional amendment,~~ The
14 legislature shall adopt legislation implementing this section
15 ~~and having an effective date no later than July 1 of the year~~
16 ~~following voter approval of this amendment~~. Such legislation
17 shall authorize agency rules for implementation, and may
18 include provisions for the licensure and regulation of slot
19 machines. The legislature may tax slot machine revenues, and
20 any such taxes must supplement public education funding
21 statewide.

22 (c) If any part of this section is held invalid for
23 any reason, the remaining portion or portions shall be severed
24 from the invalid portion and given the fullest possible force
25 and effect.

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

28 SECTION 20 ~~24~~. Florida minimum wage.--

29 (a) PUBLIC POLICY. All working Floridians are
30 entitled to be paid a minimum wage that is sufficient to
31 provide a decent and healthy life for them and their families,

1 that protects their employers from unfair low-wage
2 competition, and that does not force them to rely on
3 taxpayer-funded public services in order to avoid economic
4 hardship.

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

9 (c) MINIMUM WAGE. Employers shall pay Employees Wages
10 no less than the Minimum Wage for all hours worked in Florida.
11 Six months after enactment, the Minimum Wage shall be
12 established at an hourly rate of \$6.15. On September 30th of
13 that year and on each following September 30th, the state
14 Agency for Workforce Innovation shall calculate an adjusted
15 Minimum Wage rate by increasing the current Minimum Wage rate
16 by the rate of inflation during the twelve months prior to
17 each September 1st using the consumer price index for urban
18 wage earners and clerical workers, CPI-W, or a successor index
19 as calculated by the United States Department of Labor. Each
20 adjusted Minimum Wage rate calculated shall be published and
21 take effect on the following January 1st. For tipped Employees
22 meeting eligibility requirements for the tip credit under the
23 FLSA, Employers may credit towards satisfaction of the Minimum
24 Wage tips up to the amount of the allowable FLSA tip credit in
25 2003.

26 (d) RETALIATION PROHIBITED. It shall be unlawful for
27 an Employer or any other party to discriminate in any manner
28 or take adverse action against any person in retaliation for
29 exercising rights protected under this amendment. Rights
30 protected under this amendment include, but are not limited
31 to, the right to file a complaint or inform any person about

1 any party's alleged noncompliance with this amendment, and the
2 right to inform any person of his or her potential rights
3 under this amendment and to assist him or her in asserting
4 such rights.

5 (e) ENFORCEMENT. Persons aggrieved by a violation of
6 this amendment may bring a civil action in a court of
7 competent jurisdiction against an Employer or person violating
8 this amendment and, upon prevailing, shall recover the full
9 amount of any back wages unlawfully withheld plus the same
10 amount as liquidated damages, and shall be awarded reasonable
11 attorney's fees and costs. In addition, they shall be entitled
12 to such legal or equitable relief as may be appropriate to
13 remedy the violation including, without limitation,
14 reinstatement in employment and/or injunctive relief. Any
15 Employer or other person found liable for willfully violating
16 this amendment shall also be subject to a fine payable to the
17 state in the amount of \$1000.00 for each violation. The state
18 attorney general or other official designated by the state
19 legislature may also bring a civil action to enforce this
20 amendment. Actions to enforce this amendment shall be subject
21 to a statute of limitations of four years or, in the case of
22 willful violations, five years. Such actions may be brought as
23 a class action pursuant to Rule 1.220 of the Florida Rules of
24 Civil Procedure.

25 (f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND
26 CONSTRUCTION. Implementing legislation is not required in
27 order to enforce this amendment. The state legislature may by
28 statute establish additional remedies or fines for violations
29 of this amendment, raise the applicable Minimum Wage rate,
30 reduce the tip credit, or extend coverage of the Minimum Wage
31 to employers or employees not covered by this amendment. The

1 state legislature may by statute or the state Agency for
2 Workforce Innovation may by regulation adopt any measures
3 appropriate for the implementation of this amendment. This
4 amendment provides for payment of a minimum wage and shall not
5 be construed to preempt or otherwise limit the authority of
6 the state legislature or any other public body to adopt or
7 enforce any other law, regulation, requirement, policy or
8 standard that provides for payment of higher or supplemental
9 wages or benefits, or that extends such protections to
10 employers or employees not covered by this amendment. It is
11 intended that case law, administrative interpretations, and
12 other guiding standards developed under the federal FLSA shall
13 guide the construction of this amendment and any implementing
14 statutes or regulations.

15 (g) SEVERABILITY. If any part of this amendment, or
16 the application of this amendment to any person or
17 circumstance, is held invalid, the remainder of this
18 amendment, including the application of such part to other
19 persons or circumstances, shall not be affected by such a
20 holding and shall continue in full force and effect. To this
21 end, the parts of this amendment are severable.

22 ~~SECTION 25. Patients' right to know about adverse~~
23 ~~medical incidents.~~

24 ~~(a) In addition to any other similar rights provided~~
25 ~~herein or by general law, patients have a right to have access~~
26 ~~to any records made or received in the course of business by a~~
27 ~~health care facility or provider relating to any adverse~~
28 ~~medical incident.~~

29 ~~(b) In providing such access, the identity of patients~~
30 ~~involved in the incidents shall not be disclosed, and any~~
31

1 ~~privacy restrictions imposed by federal law shall be~~
2 ~~maintained.~~

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

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

8 ~~(2) The term "patient" means an individual who has~~
9 ~~sought, is seeking, is undergoing, or has undergone care or~~
10 ~~treatment in a health care facility or by a health care~~
11 ~~provider.~~

12 ~~(3) The phrase "adverse medical incident" means~~
13 ~~medical negligence, intentional misconduct, and any other act,~~
14 ~~neglect, or default of a health care facility or health care~~
15 ~~provider that caused or could have caused injury to or death~~
16 ~~of a patient, including, but not limited to, those incidents~~
17 ~~that are required by state or federal law to be reported to~~
18 ~~any governmental agency or body, and incidents that are~~
19 ~~reported to or reviewed by any health care facility peer~~
20 ~~review, risk management, quality assurance, credentials, or~~
21 ~~similar committee, or any representative of any such~~
22 ~~committees.~~

23 ~~(4) The phrase "have access to any records" means, in~~
24 ~~addition to any other procedure for producing such records~~
25 ~~provided by general law, making the records available for~~
26 ~~inspection and copying upon formal or informal request by the~~
27 ~~patient or a representative of the patient, provided that~~
28 ~~current records which have been made publicly available by~~
29 ~~publication or on the Internet may be "provided" by reference~~
30 ~~to the location at which the records are publicly available.~~

31

1 (a) Within thirty days before the convening of the
2 2017 regular session of the legislature, and each twentieth
3 year thereafter, there shall be established a constitution
4 revision commission composed of the following thirty-seven
5 members:

6 (1) The attorney general of the state;

7 (2) Fifteen members selected by the governor;

8 (3) Nine members selected by the speaker of the house
9 of representatives and nine members selected by the president
10 of the senate; and

11 (4) Three members selected by the Chief Justice of the
12 Supreme Court of Florida with the advice of the justices.

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

17 (c) Each constitution revision commission shall
18 convene at the call of its chair, adopt its rules of
19 procedure, examine the constitution of the state, hold public
20 hearings, and, not later than one hundred eighty days prior to
21 the next general election, file with the custodian of state
22 records its proposal, if any, of a revision of this
23 constitution or any part of it.

24 SECTION 3. Initiative.--The power to propose the
25 revision or amendment of any portion or portions of this
26 constitution by initiative is reserved to the people, provided
27 that, any such revision or amendment, except for those
28 limiting the power of government to raise revenue, shall
29 embrace but one subject and matter directly connected
30 therewith. It may be invoked by filing with the custodian of
31 state records a petition containing a copy of the proposed

1 revision or amendment, signed by a number of electors in each
2 of one half of the congressional districts of the state, and
3 of the state as a whole, equal to eight percent of the votes
4 cast in each of such districts respectively and in the state
5 as a whole in the last preceding election in which
6 presidential electors were chosen.

7 SECTION 4. Constitutional convention.--

8 (a) The power to call a convention to consider a
9 revision of the entire constitution is reserved to the people.
10 It may be invoked by filing with the custodian of state
11 records a petition, containing a declaration that a
12 constitutional convention is desired, signed by a number of
13 electors in each of one half of the congressional districts of
14 the state, and of the state as a whole, equal to fifteen
15 percent ~~per cent~~ of the votes cast in each such district
16 respectively and in the state as a whole in the last preceding
17 election of presidential electors.

18 (b) At the next general election held more than ninety
19 days after the filing of such petition, there shall be
20 submitted to the electors of the state the question: "Shall a
21 constitutional convention be held?" If a majority voting on
22 the question votes in the affirmative, at the next succeeding
23 general election there shall be elected from each
24 representative district a member of a constitutional
25 convention. On the twenty-first day following that election,
26 the convention shall sit at the capital, elect officers, adopt
27 rules of procedure, judge the election of its membership, and
28 fix a time and place for its future meetings. Not later than
29 ninety days before the next succeeding general election, the
30 convention shall cause to be filed with the custodian of state
31 records any revision of this constitution proposed by it.

1 SECTION 5. Amendment or revision election.--

2 (a) A proposed amendment to or revision of this
3 constitution, or any part of it, shall be submitted to the
4 electors at the next general election held more than ninety
5 days after the joint resolution or report of revision
6 commission, constitutional convention, or taxation and budget
7 reform commission proposing it is filed with the custodian of
8 state records, unless, pursuant to law enacted by the
9 affirmative vote of three-fourths of the membership of each
10 house of the legislature and limited to a single amendment or
11 revision, it is submitted at an earlier special election held
12 more than ninety days after such filing.

13 (b) A proposed amendment or revision of this
14 constitution, or any part of it, by initiative shall be
15 submitted to the electors at the general election provided the
16 initiative petition is filed with the custodian of state
17 records no later than February 1 of the year in which the
18 general election is held.

19 (c) The legislature shall provide by general law,
20 prior to the holding of an election pursuant to this section,
21 for the provision of a statement to the public regarding the
22 probable financial impact of any amendment proposed by
23 initiative pursuant to section 3.

24 (d) Once in the tenth week, and once in the sixth week
25 immediately preceding the week in which the election is held,
26 the proposed amendment or revision, with notice of the date of
27 election at which it will be submitted to the electors, shall
28 be published in one newspaper of general circulation in each
29 county in which a newspaper is published.

30 (e) If the proposed amendment or revision is approved
31 by vote of the electors, it shall be effective as an amendment

1 to or revision of the constitution of the state on the first
2 Tuesday after the first Monday in January following the
3 election, or on such other date as may be specified in the
4 amendment or revision.

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

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

9 (1) Eleven members selected by the governor, none of
10 whom shall be a member of the legislature at the time of
11 appointment.

12 (2) Seven members selected by the speaker of the house
13 of representatives and seven members selected by the president
14 of the senate, none of whom shall be a member of the
15 legislature at the time of appointment.

16 (3) Four nonvoting ~~non-voting~~ ex officio members, all
17 of whom shall be members of the legislature at the time of
18 appointment. Two of these members, one of whom shall be a
19 member of the minority party in the house of representatives,
20 shall be selected by the speaker of the house of
21 representatives, and two of these members, one of whom shall
22 be a member of the minority party in the senate, shall be
23 selected by the president of the senate.

24 (b) Vacancies in the membership of the commission
25 shall be filled in the same manner as the original
26 appointments.

27 (c) At its initial meeting, the members of the
28 commission shall elect a member who is not a member of the
29 legislature to serve as chair and the commission shall adopt
30 its rules of procedure. Thereafter, the commission shall
31 convene at the call of the chair. An affirmative vote of two

1 thirds of the full commission shall be necessary for any
2 revision of this constitution or any part of it to be proposed
3 by the commission.

4 (d) The commission shall examine the state budgetary
5 process, the revenue needs and expenditure processes of the
6 state, the appropriateness of the tax structure of the state,
7 and governmental productivity and efficiency; review policy as
8 it relates to the ability of state and local government to tax
9 and adequately fund governmental operations and capital
10 facilities required to meet the state's needs during the next
11 twenty year period; determine methods favored by the citizens
12 of the state to fund the needs of the state, including
13 alternative methods for raising sufficient revenues for the
14 needs of the state; determine measures that could be
15 instituted to effectively gather funds from existing tax
16 sources; examine constitutional limitations on taxation and
17 expenditures at the state and local level; and review the
18 state's comprehensive planning, budgeting, and needs
19 assessment processes to determine whether the resulting
20 information adequately supports a strategic decisionmaking
21 process.

22 (e) The commission shall hold public hearings as it
23 deems necessary to carry out its responsibilities under this
24 section. The commission shall issue a report of the results of
25 the review carried out, and propose to the legislature any
26 recommended statutory changes related to the taxation or
27 budgetary laws of the state. Not later than one hundred eighty
28 days prior to the next general election ~~in the second year~~
29 ~~following the year in which the commission is established~~, the
30 commission shall file with the custodian of state records its
31 proposal, if any, of a revision of this constitution or any

1 part of it dealing with taxation or the state budgetary
2 process.

3 SECTION 7. Tax or fee limitation.--Notwithstanding
4 Article X, section 10(d) ~~12(d) of this constitution~~, no new
5 state tax or fee shall be imposed on or after November 8,
6 1994_u by any amendment to this constitution unless the
7 proposed amendment is approved by not fewer than two-thirds of
8 the voters voting in the election in which such proposed
9 amendment is considered. For purposes of this section, the
10 phrase "new state tax or fee" shall mean any tax or fee that
11 ~~which~~ would produce revenue subject to lump sum or other
12 appropriation by the legislature, either for the state general
13 revenue fund or any trust fund, which tax or fee is not in
14 effect on November 7, 1994_u including without limitation such
15 taxes and fees as are the subject of proposed constitutional
16 amendments appearing on the ballot on November 8, 1994. This
17 section shall apply to proposed constitutional amendments
18 relating to state taxes or fees that ~~which~~ appear on the
19 November 8, 1994_u ballot, or later ballots, and any such
20 proposed amendment that ~~which~~ fails to gain the two-thirds
21 vote required hereby shall be null, void_u and without effect.

22
23 ARTICLE XII

24 SCHEDULE

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

30 SECTION 2. Property taxes; millages.--Tax millages
31 authorized in counties, municipalities_u and special districts,

1 on the date this revision becomes effective, may be continued
 2 until reduced by law.

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

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

14 SECTION 3 5. Superintendent of schools.--

15 ~~(a) On the effective date of this revision the county~~
 16 ~~superintendent of public instruction of each county shall~~
 17 ~~become and, for the remainder of the term being served, shall~~
 18 ~~be the superintendent of schools of that district.~~

19 ~~(b)~~ The method of selection of the county
 20 superintendent of public instruction of each county, as
 21 provided by or under the constitution of 1885, as amended,
 22 shall apply to the selection of the district superintendent of
 23 schools until changed as herein provided.

24 SECTION 4 6. Laws preserved.--

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

28 (b) All statutes that ~~which~~, under the constitution of
 29 1885, as amended, apply to the state superintendent of public
 30 instruction and those that ~~which~~ apply to the county
 31 superintendent of public instruction shall under this revision

1 apply, respectively, to the state commissioner of education
2 and the district superintendent of schools.

3 SECTION 5 7. Rights reserved.--

4 (a) All actions, rights of action, claims, contracts,‿
5 and obligations of individuals, corporations,‿ and public
6 bodies or agencies existing on the date this revision becomes
7 effective shall continue to be valid as if this revision had
8 not been adopted. All taxes, penalties, fines and forfeitures
9 owing to the state under the constitution of 1885, as amended,
10 shall inure to the state under this revision, and all
11 sentences as punishment for crime shall be executed according
12 to their terms.

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

17 SECTION 6 8. Public debts recognized.--All bonds,
18 revenue certificates, revenue bonds,‿ and tax anticipation
19 certificates issued pursuant to the constitution of 1885, as
20 amended by the state, any agency, political subdivision,‿ or
21 public corporation of the state shall remain in full force and
22 effect and shall be secured by the same sources of revenue as
23 before the adoption of this revision, and, to the extent
24 necessary to effectuate this section, the applicable
25 provisions of the constitution of 1885, as amended, are
26 retained as a part of this revision until payment in full of
27 these public securities.

28 SECTION 7 9. Bonds.--

29 (a) ADDITIONAL SECURITIES.--

30 (1) Article IX, section 17, of the constitution of
31 1885, as amended, as it existed immediately before this

1 Constitution, as revised in 1968, became effective, is adopted
 2 by this reference as a part of this revision as completely as
 3 though incorporated herein verbatim, except revenue bonds,
 4 revenue certificates, or other evidences of indebtedness
 5 hereafter issued thereunder may be issued by the agency of the
 6 state so authorized by law.

7 (2)a. That portion of Article XII, section 7(a), ~~9,~~
 8 ~~Subsection (a)~~ of this Constitution, as amended, which by
 9 reference adopted Article XII, section 19, of the constitution
 10 of 1885, as amended, as the same existed immediately before
 11 the effective date of this amendment is adopted by this
 12 reference as part of this revision as completely as though
 13 incorporated herein verbatim, for the purpose of providing
 14 that after the effective date of this amendment all of the
 15 proceeds of the revenues derived from the gross receipts
 16 taxes, as therein defined, collected in each year shall be
 17 applied as provided therein to the extent necessary to comply
 18 with all obligations to or for the benefit of holders of bonds
 19 or certificates issued before the effective date of this
 20 amendment or any refundings thereof that ~~which~~ are secured by
 21 such gross receipts taxes. No bonds or other obligations may
 22 be issued pursuant to the provisions of Article XII, section
 23 19, of the constitution of 1885, as amended, but this
 24 provision shall not be construed to prevent the refunding of
 25 any such outstanding bonds or obligations pursuant to the
 26 provisions of this paragraph ~~subsection (a)(2)~~.

27 b. Subject to the requirements of subparagraph a. ~~the~~
 28 ~~first paragraph of this subsection (a)(2)~~, beginning July 1,
 29 1975, all of the proceeds of the revenues derived from the
 30 gross receipts taxes collected from every person, including
 31 municipalities, as provided and levied pursuant to the

1 provisions of chapter 203, Florida Statutes, as such chapter
2 is amended from time to time, shall, as collected, be placed
3 in a trust fund to be known as the "public education capital
4 outlay and debt service trust fund" in the state treasury
5 (hereinafter referred to as "capital outlay fund"), and used
6 only as provided herein.

7 c. The capital outlay fund shall be administered by
8 the state board of education as created and constituted by
9 Article IX, section 2, ~~of Article IX~~ of this ~~the~~ constitution
10 ~~of Florida as revised in 1968~~ (hereinafter referred to as
11 "state board"), or by such other instrumentality of the state
12 that which shall hereafter succeed by law to the powers,
13 duties, and functions of the state board, including the
14 powers, duties, and functions of the state board provided in
15 this paragraph ~~subsection (a)(2)~~. The state board shall be a
16 body corporate and shall have all the powers provided herein
17 in addition to all other constitutional and statutory powers
18 related to the purposes of this paragraph ~~subsection (a)(2)~~
19 heretofore or hereafter conferred by law upon the state board,
20 or its predecessor created by the constitution of 1885, as
21 amended.

22 d. State bonds pledging the full faith and credit of
23 the state may be issued, without a vote of the electors, by
24 the state board pursuant to law to finance or refinance
25 capital projects theretofore authorized by the legislature,
26 and any purposes appurtenant or incidental thereto, for the
27 state system of public education provided for in Article IX,
28 section 1, ~~of Article IX~~ of this constitution (hereinafter
29 referred to as "state system"), including but not limited to
30 institutions of higher learning, community colleges,
31 vocational technical schools, or public schools, as now

1 defined or as may hereafter be defined by law. All such bonds
2 shall mature not later than thirty years after the date of
3 issuance thereof. All other details of such bonds shall be as
4 provided by law or by the proceedings authorizing such bonds;
5 provided, however, that no bonds, except refunding bonds,
6 shall be issued, and no proceeds shall be expended for the
7 cost of any capital project, unless such project has been
8 authorized by the legislature.

9 e. Bonds issued pursuant to this paragraph ~~subsection~~
10 ~~(a)(2)~~ shall be primarily payable from such revenues derived
11 from gross receipts taxes, and shall be additionally secured
12 by the full faith and credit of the state. No such bonds shall
13 ever be issued in an amount exceeding ninety percent of the
14 amount that ~~which~~ the state board determines can be serviced
15 by the revenues derived from the gross receipts taxes accruing
16 thereafter under the provisions of this paragraph ~~subsection~~
17 ~~(a)(2)~~, and such determination shall be conclusive.

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

21 1.a. For the payment of the principal of and interest
22 on any bonds due in such fiscal year;

23 2.b. For the deposit into any reserve funds provided
24 for in the proceedings authorizing the issuance of bonds of
25 any amounts required to be deposited in such reserve funds in
26 such fiscal year;

27 3.c. For direct payment of the cost or any part of the
28 cost of any capital project for the state system theretofore
29 authorized by the legislature, or for the purchase or
30 redemption of outstanding bonds in accordance with the
31 provisions of the proceedings that ~~which~~ authorized the

1 issuance of such bonds, or for the purpose of maintaining,
2 restoring, or repairing existing public educational
3 facilities.

4 (b) REFUNDING BONDS.--Revenue bonds to finance the
5 cost of state capital projects issued prior to the date this
6 revision becomes effective, including projects of the Florida
7 state turnpike authority or its successor but excluding all
8 portions of the state highway system, may be refunded as
9 provided by law without vote of the electors at a lower net
10 average interest cost rate by the issuance of bonds maturing
11 not later than the obligations refunded, secured by the same
12 revenues only.

13 (c) MOTOR VEHICLE FUEL TAXES.--

14 (1) A state tax, designated "second gas tax," of two
15 cents per gallon upon gasoline and other like products of
16 petroleum and an equivalent tax upon other sources of energy
17 used to propel motor vehicles as levied by Article IX, section
18 16, of the constitution of 1885, as amended, is hereby
19 continued. The proceeds of said tax shall be placed monthly in
20 the state roads distribution fund in the state treasury.

21 (2) Article IX, section 16, of the constitution of
22 1885, as amended, is adopted by this reference as a part of
23 this revision as completely as though incorporated herein
24 verbatim for the purpose of providing that after the effective
25 date of this revision the proceeds of the "second gas tax" as
26 referred to therein shall be allocated among the several
27 counties in accordance with the formula stated therein to the
28 extent necessary to comply with all obligations to or for the
29 benefit of holders of bonds, revenue certificates, and tax
30 anticipation certificates or any refundings thereof secured by
31 any portion of the "second gas tax."

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

11 (4) Subject to the requirements of paragraph (2) ~~of~~
12 ~~this subsection~~ and after payment of administrative expenses,
13 the "second gas tax" shall be allocated to the account of each
14 of the several counties in the amounts to be determined as
15 follows: There shall be an initial allocation of one-fourth in
16 the ratio of county area to state area, one-fourth in the
17 ratio of the total county population to the total population
18 of the state in accordance with the latest available federal
19 census, and one-half in the ratio of the total "second gas
20 tax" collected on retail sales or use in each county to the
21 total collected in all counties of the state during the
22 previous fiscal year. If the annual debt service requirements
23 of any obligations issued for any county, including any
24 deficiencies for prior years, secured under paragraph (2) ~~of~~
25 ~~this subsection~~, exceeds the amount that ~~which~~ would be
26 allocated to that county under the formula set out in this
27 paragraph, the amounts allocated to other counties shall be
28 reduced proportionately.

29 (5) Funds allocated under paragraphs (2) and (4) ~~of~~
30 ~~this subsection~~ shall be administered by the state board of
31 administration created under Article IV, section 4. The board

1 shall remit the proceeds of the "second gas tax" in each
 2 county account for use in said county as follows: eighty
 3 percent ~~per cent~~ to the state agency supervising the state
 4 road system and twenty percent ~~per cent~~ to the governing body
 5 of the county. The percentage allocated to the county may be
 6 increased by general law. The proceeds of the "second gas tax"
 7 subject to allocation to the several counties under this
 8 paragraph~~(5)~~ shall be used first, for the payment of
 9 obligations pledging revenues allocated pursuant to Article
 10 IX, section 16, of the constitution of 1885, as amended, and
 11 any refundings thereof; second, for the payment of debt
 12 service on bonds issued as provided by this paragraph (5) to
 13 finance the acquisition and construction of roads as defined
 14 by law; and third, for the acquisition and construction of
 15 roads and for road maintenance as authorized by law. When
 16 authorized by law, state bonds pledging the full faith and
 17 credit of the state may be issued without any election to:
 18 a. ~~(i) to~~ Refund obligations secured by any portion of
 19 the "second gas tax" allocated to a county under Article IX,
 20 section 16, of the constitution of 1885, as amended.;
 21 b. ~~(ii) to~~ Finance the acquisition and construction of
 22 roads in a county when approved by the governing body of the
 23 county and the state agency supervising the state road
 24 system.;
 25 c. ~~and (iii) to~~ Refund obligations secured by any
 26 portion of the "second gas tax" allocated under paragraph
 27 ~~9(c)~~(4).
 28
 29 No such bonds shall be issued unless a state fiscal agency
 30 created by law has made a determination that in no state
 31 fiscal year will the debt service requirements of the bonds

1 and all other bonds secured by the pledged portion of the
 2 "second gas tax" allocated to the county exceed seventy-five
 3 percent ~~per cent~~ of the pledged portion of the "second gas
 4 tax" allocated to that county for the preceding state fiscal
 5 year, of the pledged net tolls from existing facilities
 6 collected in the preceding state fiscal year, and of the
 7 annual average net tolls anticipated during the first five
 8 state fiscal years of operation of new projects to be
 9 financed, and of any other legally available pledged revenues
 10 collected in the preceding state fiscal year. Bonds issued
 11 pursuant to this subsection shall be payable primarily from
 12 the pledged tolls, the pledged portions of the "second gas
 13 tax" allocated to that county, and any other pledged revenue,
 14 and shall mature not later than forty years from the date of
 15 issuance.

16 (d) SCHOOL BONDS.--

17 (1) Article XII, section 7(d), ~~9, Subsection (d)~~ of
 18 this constitution, as amended, (which, by reference, adopted
 19 Article XII, section 18, of the constitution of 1885, as
 20 amended), as the same existed immediately before the effective
 21 date of this amendment is adopted by this reference as part of
 22 this amendment as completely as though incorporated herein
 23 verbatim, for the purpose of providing that after the
 24 effective date of this amendment the first proceeds of the
 25 revenues derived from the licensing of motor vehicles as
 26 referred to therein shall be distributed annually among the
 27 several counties in the ratio of the number of instruction
 28 units in each county, the same being coterminous ~~coterminus~~
 29 with the school district of each county as provided in Article
 30 IX, section 4(a), ~~4, Subsection (a)~~ of this constitution, in
 31 each year computed as provided therein to the extent necessary

1 to comply with all obligations to or for the benefit of
2 holders of bonds or motor vehicle tax anticipation
3 certificates issued before the effective date of this
4 amendment or any refundings thereof that ~~which~~ are secured by
5 any portion of such revenues derived from the licensing of
6 motor vehicles.

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

15 (3) Subject to the requirements of paragraph (d)(1)
16 ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973,
17 the first proceeds of the revenues derived from the licensing
18 of motor vehicles (hereinafter called "motor vehicle license
19 revenues") to the extent necessary to comply with the
20 provisions of this amendment, shall, as collected, be placed
21 monthly in the school district and community college district
22 capital outlay and debt service fund in the state treasury and
23 used only as provided in this amendment. Such revenue shall be
24 distributed annually among the several school districts and
25 community college districts in the ratio of the number of
26 instruction units in each school district or community college
27 district in each year computed as provided herein. The amount
28 of the first motor vehicle license revenues to be so set aside
29 in each year and distributed as provided herein shall be an
30 amount equal in the aggregate to the product of six hundred
31 dollars ~~(\$600)~~ multiplied by the total number of instruction

1 units in all the school districts of Florida for the school
 2 fiscal year 1967-68, plus an amount equal in the aggregate to
 3 the product of eight hundred dollars (~~\$800~~) multiplied by the
 4 total number of instruction units in all the school districts
 5 of Florida for the school fiscal year 1972-73 and for each
 6 school fiscal year thereafter that ~~which~~ is in excess of the
 7 total number of such instruction units in all the school
 8 districts of Florida for the school fiscal year 1967-68, such
 9 excess units being designated "growth units." The amount of
 10 the first motor vehicle license revenues to be so set aside in
 11 each year and distributed as provided herein shall
 12 additionally be an amount equal in the aggregate to the
 13 product of four hundred dollars (~~\$400~~) multiplied by the total
 14 number of instruction units in all community college districts
 15 of Florida. The number of instruction units in each school
 16 district or community college district in each year for the
 17 purposes of this amendment shall be the greater of:

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

22 b. ~~(2)~~ The number of instruction units in such school
 23 district, including growth units, or community college
 24 district for the school fiscal year computed in the manner
 25 heretofore or hereafter provided by general law and approved
 26 by the state board of education (hereinafter called the state
 27 board); ~~or~~

28 c. ~~(3)~~ The number of instruction units in each school
 29 district, including growth units, or community college
 30 district on behalf of which the state board has issued bonds
 31 or motor vehicle license revenue anticipation certificates

1 under this amendment ~~that which~~ will produce sufficient
2 revenues under this amendment to equal one and
3 twelve-hundredths (1.12) times the aggregate amount of
4 principal of and interest on all bonds or motor vehicle
5 license revenue anticipation certificates issued under this
6 amendment ~~that which~~ will mature and become due in such year,
7 computed in the manner heretofore or hereafter provided by
8 general law and approved by the state board.

9 (4) Such funds so distributed shall be administered by
10 the state board as now created and constituted by Article IX,
11 ~~section 2, of Article IX~~ of ~~this the State~~ constitution ~~as~~
12 ~~revised in 1968~~, or by such other instrumentality of the state
13 ~~that which~~ shall hereafter succeed by law to the powers,
14 duties, and functions of the state board, including the
15 powers, duties, and functions of the state board provided in
16 this amendment. For the purposes of this amendment, said state
17 board shall be a body corporate and shall have all the powers
18 provided in this amendment in addition to all other
19 constitutional and statutory powers related to the purposes of
20 this amendment heretofore or hereafter conferred upon said
21 state board.

22 (5) The state board shall, in addition to its other
23 constitutional and statutory powers, have the management,
24 control, and supervision of the proceeds of the first motor
25 vehicle license revenues provided for in this subsection~~(d)~~.
26 The state board shall also have power, for the purpose of
27 obtaining funds for the use of any school board of any school
28 district or board of trustees of any community college
29 district in acquiring, building, constructing, altering,
30 remodeling, improving, enlarging, furnishing, equipping,
31 maintaining, renovating, or repairing of capital outlay

1 projects for school purposes to issue bonds or motor vehicle
2 license revenue anticipation certificates, and also to issue
3 such bonds or motor vehicle license revenue anticipation
4 certificates to pay, fund, or refund any bonds or motor
5 vehicle license revenue anticipation certificates theretofore
6 issued by said state board. All such bonds or motor vehicle
7 license revenue anticipation certificates shall bear interest
8 at not exceeding the rate provided by general law and shall
9 mature not later than thirty years after the date of issuance
10 thereof. The state board shall have power to determine all
11 other details of the bonds or motor vehicle license revenue
12 anticipation certificates and to sell in the manner provided
13 by general law, or exchange the bonds or motor vehicle license
14 revenue anticipation certificates, upon such terms and
15 conditions as the state board shall provide.

16 (6) The state board shall also have power to pledge
17 for the payment of the principal of and interest on such bonds
18 or motor vehicle license revenue anticipation certificates,
19 including refunding bonds or refunding motor vehicle license
20 revenue anticipation certificates, all or any part from the
21 motor vehicle license revenues provided for in this amendment
22 and to enter into any covenants and other agreements with the
23 holders of such bonds or motor vehicle license revenue
24 anticipation certificates at the time of the issuance thereof
25 concerning the security thereof and the rights of the holders
26 thereof, all of which covenants and agreements shall
27 constitute legally binding and irrevocable contracts with such
28 holders and shall be fully enforceable by such holders in any
29 court of competent jurisdiction.

30 (7) No such bonds or motor vehicle license revenue
31 anticipation certificates shall ever be issued by the state

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

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

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

30 b. To pay all amounts of principal and interest due in
31 such year on any bonds or motor vehicle license revenue

1 anticipation certificates issued under the authority hereof,
2 including refunding bonds or motor vehicle license revenue
3 anticipation certificates, issued on behalf of the school
4 board of such school district or board of trustees of such
5 community college district; subject, however, to any covenants
6 or agreements made by the state board concerning the rights
7 between holders of different issues of such bonds or motor
8 vehicle license revenue anticipation certificates, as herein
9 authorized.

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

19 d. To distribute annually to the several school boards
20 of the school districts or the boards of trustees of the
21 community college districts for use in payment of debt service
22 on bonds heretofore or hereafter issued by any such school
23 boards of the school districts or boards of trustees of the
24 community college districts where the proceeds of the bonds
25 were used, or are to be used, in the acquiring, building,
26 constructing, altering, remodeling, improving, enlarging,
27 furnishing, equipping, maintaining, renovating, or repairing
28 of capital outlay projects in such school districts or
29 community college districts and which capital outlay projects
30 have been approved by the school board of the school district
31 or board of trustees of the community college district,

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

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

26 f. To distribute annually to the several school boards
27 of the school districts or boards of trustees of the community
28 college districts for the payment of the cost of acquiring,
29 building, constructing, altering, remodeling, improving,
30 enlarging, furnishing, equipping, maintaining, renovating, or
31 repairing of capital outlay projects for school purposes in

1 such school district or community college district as shall be
2 requested by resolution of the school board of the school
3 district or board of trustees of the community college
4 district.

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

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

1 board of any bonds or motor vehicle license revenue
2 anticipation certificates, or in connection with the issuance
3 of any bonds of any school board of any school district or
4 board of trustees of any community college district.

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

24 (11) Bonds issued by the state board pursuant to this
25 subsection~~(d)~~ shall be payable primarily from said motor
26 vehicle license revenues as provided herein, and if heretofore
27 or hereafter authorized by law, may be additionally secured by
28 pledging the full faith and credit of the state without an
29 election. When heretofore or hereafter authorized by law,
30 bonds issued pursuant to Article XII, section 18, of the
31 constitution of 1885, as amended prior to 1968, and bonds

1 issued pursuant to Article XII, section 7(d), ~~9, subsection~~
 2 ~~(d)~~ of this ~~the~~ constitution ~~as revised in 1968~~, and bonds
 3 issued pursuant to this subsection~~(d)~~, may be refunded by the
 4 issuance of bonds additionally secured by the full faith and
 5 credit of the state.

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

11 SECTION ~~8 10~~. Preservation of constitutional
 12 provisions as statutes.--

13 (a) The following provisions of the State
 14 Constitution, as they existed on November 6, 2006, shall
 15 become statutes:

16 (1) Article I, section 26, notwithstanding Article V,
 17 section 15.

18 (2) Article X, section 21.

19 (3) Article X, section 25.

20 (4) Article X, section 26.

21 (b) The Division of Statutory Revision shall codify a
 22 provision made statutory law by subsection (a) in the manner
 23 described in s. 11.242, Florida Statutes (2005). The Division
 24 of Statutory Revision may make alterations to a provision
 25 described in subsection (a) to reflect its status as statutory
 26 law, but the effect of the provision must be preserved.

27 (c) Until January 2, 2015, the legislature may not
 28 modify, repeal, or act inconsistent with a provision made
 29 statutory law by this section except by a three-fourths vote
 30 of the membership of each house. ~~Preservation of existing~~
 31 government. ~~All provisions of Articles I through IV, VII and~~

1 ~~IX through XX of the Constitution of 1885, as amended, not~~
 2 ~~embraced herein which are not inconsistent with this revision~~
 3 ~~shall become statutes subject to modification or repeal as are~~
 4 ~~other statutes.~~

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

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

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

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

30 SECTION 13 ~~15~~. Special district taxes.--Ad valorem
 31 taxing power vested by law in special districts existing when

1 this revision becomes effective shall not be abrogated by
 2 Article VII, section 9(b) ~~of Article VII herein~~, but such
 3 powers, except to the extent necessary to pay outstanding
 4 debts, may be restricted or withdrawn by law.

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

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

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

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

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

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

30 SECTION 16 ~~22~~. Historic property exemption and
 31 assessment.--The amendments to Article VII, Sections 3 and 4,

1 ~~of Article VII~~ relating to ad valorem tax exemption for, and
2 assessment of, historic property shall take effect January 1,
3 1999.

4 SECTION 17 ~~23~~. Fish and wildlife conservation
5 commission.--

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

15 (b) The jurisdiction of the marine fisheries
16 commission as set forth in statutes in effect on March 1,
17 1998, shall be transferred to the fish and wildlife
18 conservation commission. The jurisdiction of the marine
19 fisheries commission transferred to the commission shall not
20 be expanded except as provided by general law. All rules of
21 the marine fisheries commission and game and fresh water fish
22 commission in effect on the effective date of this amendment
23 shall become rules of the fish and wildlife conservation
24 commission until superseded or amended by the commission.

25 (c) On the effective date of this amendment, the
26 marine fisheries commission and game and fresh water fish
27 commission shall be abolished.

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

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

30 (a) The amendments contained in this revision shall
31 take effect January 7, 2003, but shall govern with respect to

1 the qualifying for and the holding of primary elections in
 2 2002. The office of chief financial officer shall be a new
 3 office as a result of this revision.

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

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

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

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

18 SECTION 19. Amendments adopted during the 2006 General
 19 Election.--Any amendment to the State Constitution adopted
 20 during the 2006 General Election shall be incorporated into
 21 this revision as if the amendment originally had been included
 22 in this revision.

23 SECTION 20. Statutory initiative
 24 implementation.--Legislation implementing Article III, section
 25 19, must take effect no later than July 1, 2008.

26 BE IT FURTHER RESOLVED that the following statement be
 27 placed on the ballot:

28 CONSTITUTIONAL REVISION

29 MULTIPLE ARTICLES

30 REPEAL OF OBSOLETE PROVISIONS; LEGISLATION BY STATUTORY
 31 INITIATIVE; PRESERVATION OF CONSTITUTIONAL PROVISIONS AS

1 STATUTES.--Proposing a revision of the State Constitution to
2 correct spelling errors, punctuation errors, and grammatical
3 errors, repeal obsolete provisions, repeal provisions that
4 violate the United States Constitution, and make technical
5 changes; to correct an erroneous filing date in Article XI,
6 section 6(e), which relates to the Taxation and Budget Reform
7 Commission; to require the legislature to provide by law
8 effective by July 1, 2008, for a statutory initiative process
9 by which citizens may propose statutes; and to provide for the
10 repeal of certain constitutional provisions and their
11 preservation as statutes. The statutory initiative process and
12 the repeal and preservation of certain constitutional
13 provisions as statutes are described in detail below.

14 ARTICLE III, SECTION 19 and ARTICLE XII, SECTION 20

15 Statutory initiative and implementation.--Proposing the
16 creation of new sections of the State Constitution to require
17 the legislature to prescribe a process by law effective no
18 later than July 1, 2008, by which citizens may propose
19 statutes; to provide that the statutory initiative process is
20 subject to conditions, limitations, and exceptions prescribed
21 by the legislature; and to provide that a statute originating
22 as a statutory initiative may not be amended or repealed by
23 the legislature for five years after its adoption, except upon
24 a two-thirds vote of both houses of the legislature.

25 ARTICLE XII, SECTION 8

26 Preservation of constitutional provisions as
27 statutes.--Proposing to repeal the following provisions from
28 the State Constitution, codify them in the Florida Statutes,
29 and prohibit the Legislature from modifying, repealing, or
30 acting inconsistently with those statutes until January 2,
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1 2015, except upon a three-fourths vote of both houses of the
2 Legislature:

3 ARTICLE I, SECTION 26

4 Claimant's right to fair compensation.--This provision
5 provides that an injured claimant who enters into a
6 contingency fee agreement with an attorney in a claim for
7 medical liability is entitled to no less than 70 percent of
8 the first \$250,000.00 in all damages received by the claimant,
9 and 90 percent of damages in excess of \$250,000.00, exclusive
10 of reasonable and customary costs and regardless of the number
11 of defendants.

12 ARTICLE X, SECTION 21

13 Limiting cruel and inhumane confinement of pigs during
14 pregnancy.--This provision makes it unlawful to confine a pig
15 during pregnancy in a cage, crate or other enclosure, or
16 tether a pregnant pig, on a farm so that the pig is prevented
17 from turning around freely, except for veterinary purposes and
18 during the prebirthing period.

19 ARTICLE X, SECTION 25

20 Patients' right to know about adverse medical
21 incidents.--This provision gives patients the right to review,
22 upon request, records of health care facilities' or providers'
23 adverse medical incidents, including those which could cause
24 injury or death.

25 ARTICLE X, SECTION 26

26 Prohibition of medical license after repeated medical
27 malpractice.--This provision prohibits medical doctors who
28 have been found to have committed three or more incidents of
29 medical malpractice from being licensed to practice medicine
30 in Florida.

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