

FOR CONSIDERATION By the Committee on Judiciary

590-1684B-06

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Senate Joint Resolution

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

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

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

PREAMBLE

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

ARTICLE I

DECLARATION OF RIGHTS

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

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

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

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

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

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

8 SECTION 7. Military power.--The military power shall
9 be subordinate to the civil.

10 SECTION 8. Right to bear arms.--

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

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

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

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

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

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

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

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

27 SECTION 13. Habeas corpus.--The writ of habeas corpus
28 shall be grantable of right, freely and without cost. It shall
29 be returnable without delay, and shall never be suspended
30 unless, in case of rebellion or invasion, suspension is
31 essential to the public safety.

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

11 SECTION 15. Prosecution for crime; offenses committed
12 by children.--

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

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

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

28 (a) In all criminal prosecutions the accused shall,
29 upon demand, be informed of the nature and cause of the
30 accusation, and shall be furnished a copy of the charges, and
31 shall have the right to have compulsory process for witnesses,

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

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

17 | SECTION 17. Excessive punishments.--Excessive fines,
18 | cruel and unusual punishment, attainder, forfeiture of estate,
19 | indefinite imprisonment, and unreasonable detention of
20 | witnesses are forbidden. The death penalty is an authorized
21 | punishment for capital crimes designated by the legislature.
22 | The prohibition against cruel or unusual punishment, and the
23 | prohibition against cruel and unusual punishment, shall be
24 | construed in conformity with decisions of the United States
25 | Supreme Court which interpret the prohibition against cruel
26 | and unusual punishment provided in the Eighth Amendment to the
27 | United States Constitution. Any method of execution shall be
28 | allowed, unless prohibited by the United States Constitution.
29 | Methods of execution may be designated by the legislature, and
30 | a change in any method of execution may be applied
31 | retroactively. A sentence of death shall not be reduced on

1 | the basis that a method of execution is invalid. In any case
2 | in which an execution method is declared invalid, the death
3 | sentence shall remain in force until the sentence can be
4 | lawfully executed by any valid method. This section shall
5 | apply retroactively.

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

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

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

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

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

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

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

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

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

25 | (c) This section shall be self-executing. The
26 | legislature, however, may provide by general law passed by a
27 | two-thirds vote of each house for the exemption of records
28 | from the requirements of subsection (a) and the exemption of
29 | meetings from the requirements of subsection (b), provided
30 | that such law shall state with specificity the public
31 | necessity justifying the exemption and shall be no broader

1 | than necessary to accomplish the stated purpose of the law.
2 | The legislature shall enact laws governing the enforcement of
3 | this section, including the maintenance, control, destruction,
4 | disposal, and disposition of records made public by this
5 | section, except that each house of the legislature may adopt
6 | rules governing the enforcement of this section in relation to
7 | records of the legislative branch. Laws enacted pursuant to
8 | this subsection shall contain only exemptions from the
9 | requirements of subsection ~~subsections~~ (a) or subsection (b)
10 | and provisions governing the enforcement of this section, and
11 | shall relate to one subject.

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

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

25 | SECTION 26. Claimant's right to fair compensation.--

26 | ~~(a) Article I, Section 26 is created to read~~
27 | ~~"Claimant's right to fair compensation."~~ In any medical
28 | liability claim involving a contingency fee, the claimant is
29 | entitled to receive no less than 70 percent ~~70%~~ of the first
30 | ~~\$250,000~~\$250,000.00 in all damages received by the claimant,
31 | exclusive of reasonable and customary costs, whether received

1 by judgment, settlement, or otherwise, and regardless of the
2 number of defendants. The claimant is entitled to 90 percent
3 ~~90%~~ of all damages in excess of ~~\$250,000~~\$250,000.00,
4 exclusive of reasonable and customary costs and regardless of
5 the number of defendants. This provision is self-executing and
6 does not require implementing legislation.

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

9 ARTICLE II

10 GENERAL PROVISIONS

11 SECTION 1. State boundaries.--

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

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

25 (b) The coastal boundaries may be extended by statute
26 to the limits permitted by the laws of the United States or
27 international law.

28 SECTION 2. Seat of government.--The seat of government
29 shall be the City of Tallahassee, in Leon County, where the
30 offices of the governor, lieutenant governor, cabinet members,
31 and the supreme court shall be maintained and the sessions of

1 the legislature shall be held; provided that, in time of
2 invasion or grave emergency, the governor by proclamation may
3 for the period of the emergency transfer the seat of
4 government to another place.

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

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

12 SECTION 5. Public officers.--

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

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

27
28 "I do solemnly swear (or affirm) that I will support,
29 protect, and defend the Constitution and Government of the
30 United States and of the State of Florida; that I am duly
31 qualified to hold office under the Constitution of the state;

1 and that I will well and faithfully perform the duties of
2 ...(title of office)... on which I am now about to enter. So
3 help me God.",

4
5 and thereafter shall devote personal attention to the duties
6 of the office, and continue in office until a successor
7 qualifies.

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

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

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

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

27 (b) Those in the Everglades Agricultural Area who
28 cause water pollution within the Everglades Protection Area or
29 the Everglades Agricultural Area shall be primarily
30 responsible for paying the costs of the abatement of that
31 pollution. For the purposes of this subsection, the terms

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

4 SECTION 8. Ethics in government.--A public office is a
5 public trust. The people shall have the right to secure and
6 sustain that trust against abuse. To assure this right:

7 (a) All elected constitutional officers and candidates
8 for such offices and, as may be determined by law, other
9 public officers, candidates, and employees shall file full and
10 public disclosure of their financial interests.

11 (b) All elected public officers and candidates for
12 such offices shall file full and public disclosure of their
13 campaign finances.

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

19 (d) Any public officer or employee who is convicted of
20 a felony involving a breach of public trust shall be subject
21 to forfeiture of rights and privileges under a public
22 retirement system or pension plan in such manner as may be
23 provided by law.

24 (e) No member of the legislature or statewide elected
25 officer shall personally represent another person or entity
26 for compensation before the government body or agency of which
27 the individual was an officer or member for a period of two
28 years following vacation of office. No member of the
29 legislature shall personally represent another person or
30 entity for compensation during term of office before any state
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1 agency other than judicial tribunals. Similar restrictions on
2 other public officers and employees may be established by law.

3 (f) There shall be an independent commission to
4 conduct investigations and make public reports on all
5 complaints concerning breach of public trust by public
6 officers or employees not within the jurisdiction of the
7 judicial qualifications commission.

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

11 (h) This section shall not be construed to limit
12 disclosures and prohibitions which may be established by law
13 to preserve the public trust and avoid conflicts between
14 public duties and private interests.

15 (i) Schedule--On the effective date of this amendment
16 and until changed by law:

17 (1) Full and public disclosure of financial interests
18 shall mean filing with the custodian of state records by July
19 1 of each year a sworn statement showing net worth and
20 identifying each asset and liability in excess of \$1,000 and
21 its value together with one of the following:

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

24 b. A sworn statement which identifies each separate
25 source and amount of income which exceeds \$1,000. The forms
26 for such source disclosure and the rules under which they are
27 to be filed shall be prescribed by the independent commission
28 established in subsection (f), and such rules shall include
29 disclosure of secondary sources of income.

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1 (2) Persons holding statewide elective offices shall
2 also file disclosure of their financial interests pursuant to
3 subsection (i)(1).

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

6 SECTION 9. English is the official language of
7 Florida.--

8 (a) English is the official language of the State of
9 Florida.

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

12 ARTICLE III

13 LEGISLATURE

14 SECTION 1. Composition.--The legislative power of the
15 state shall be vested in a legislature of the State of
16 Florida, consisting of a senate composed of one senator
17 elected from each senatorial district and a house of
18 representatives composed of one member elected from each
19 representative district.

20 SECTION 2. Members; officers.--Each house shall be the
21 sole judge of the qualifications, elections, and returns of
22 its members, and shall biennially choose its officers,
23 including a permanent presiding officer selected from its
24 membership, who shall be designated in the senate as President
25 of the Senate, and in the house as Speaker of the House of
26 Representatives. The senate shall designate a Secretary to
27 serve at its pleasure, and the house of representatives shall
28 designate a Clerk to serve at its pleasure. The legislature
29 shall appoint an auditor to serve at its pleasure who shall
30 audit public records and perform related duties as prescribed
31 by law or concurrent resolution.

1 SECTION 3. Sessions of the legislature.--

2 (a) ORGANIZATION SESSIONS. On the fourteenth day
3 following each general election the legislature shall convene
4 for the exclusive purpose of organization and selection of
5 officers.

6 (b) REGULAR SESSIONS. A regular session of the
7 legislature shall convene on the first Tuesday after the first
8 Monday in March of each odd-numbered year, and on the first
9 Tuesday after the first Monday in March, or such other date as
10 may be fixed by law, of each even-numbered year.

11 (c) SPECIAL SESSIONS.

12 (1) The governor, by proclamation stating the purpose,
13 may convene the legislature in special session during which
14 only such legislative business may be transacted as is within
15 the purview of the proclamation, or of a communication from
16 the governor, or is introduced by consent of two-thirds of the
17 membership of each house.

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

20 (d) LENGTH OF SESSIONS. A regular session of the
21 legislature shall not exceed sixty consecutive days, and a
22 special session shall not exceed twenty consecutive days,
23 unless extended beyond such limit by a three-fifths vote of
24 each house. During such an extension no new business may be
25 taken up in either house without the consent of two-thirds of
26 its membership.

27 (e) ADJOURNMENT. Neither house shall adjourn for more
28 than seventy-two consecutive hours except pursuant to
29 concurrent resolution.

30 (f) ADJOURNMENT BY GOVERNOR. If, during any regular
31 or special session, the two houses cannot agree upon a time

1 for adjournment, the governor may adjourn the session sine die
2 or to any date within the period authorized for such session;
3 provided that, at least twenty-four hours before adjourning
4 the session, and while neither house is in recess, each house
5 shall be given formal written notice of the governor's
6 intention to do so, and agreement reached within that period
7 by both houses on a time for adjournment shall prevail.

8 SECTION 4. Quorum and procedure.--

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

14 (b) Sessions of each house shall be public; except
15 sessions of the senate when considering appointment to or
16 removal from public office may be closed.

17 (c) Each house shall keep and publish a journal of its
18 proceedings; and upon the request of five members present, the
19 vote of each member voting on any question shall be entered on
20 the journal. In any legislative committee or subcommittee,
21 the vote of each member voting on the final passage of any
22 legislation pending before the committee, and upon the request
23 of any two members of the committee or subcommittee, the vote
24 of each member on any other question, shall be recorded.

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

28 (e) The rules of procedure of each house shall provide
29 that all legislative committee and subcommittee meetings of
30 each house, and joint conference committee meetings, shall be
31 open and noticed to the public. The rules of procedure of

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

17 SECTION 5. Investigations; witnesses.--Each house,
18 when in session, may compel attendance of witnesses and
19 production of documents and other evidence upon any matter
20 under investigation before it or any of its committees, and
21 may punish by fine not exceeding one thousand dollars or
22 imprisonment not exceeding ninety days, or both, any person
23 not a member who has been guilty of disorderly or contemptuous
24 conduct in its presence or has refused to obey its lawful
25 summons or to answer lawful questions. Such powers, except
26 the power to punish, may be conferred by law upon committees
27 when the legislature is not in session. Punishment of
28 contempt of an interim legislative committee shall be by
29 judicial proceedings as prescribed by law.

30 SECTION 6. Laws.--Every law shall embrace but one
31 subject and matter properly connected therewith, and the

1 subject shall be briefly expressed in the title. No law shall
2 be revised or amended by reference to its title only. Laws to
3 revise or amend shall set out in full the revised or amended
4 act, section, subsection, or paragraph of a subsection. The
5 enacting clause of every law shall read: "Be It Enacted by
6 the Legislature of the State of Florida: "~~-~~

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

22 SECTION 8. Executive approval and veto.--

23 (a) Every bill passed by the legislature shall be
24 presented to the governor for approval and shall become a law
25 if the governor approves and signs it, or fails to veto it
26 within seven consecutive days after presentation. If during
27 that period or on the seventh day the legislature adjourns
28 sine die or takes a recess of more than thirty days, the
29 governor shall have fifteen consecutive days from the date of
30 presentation to act on the bill. In all cases except general
31 appropriation bills, the veto shall extend to the entire bill.

1 The governor may veto any specific appropriation in a general
2 appropriation bill, but may not veto any qualification or
3 restriction without also vetoing the appropriation to which it
4 relates.

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

21 (c) If each house shall, by a two-thirds vote,
22 re-enact the bill or reinstate the vetoed specific
23 appropriation of a general appropriation bill, the vote of
24 each member voting shall be entered on the respective
25 journals, and the bill shall become law or the specific
26 appropriation reinstated, the veto notwithstanding.

27 SECTION 9. Effective date of laws.--Each law shall
28 take effect on the sixtieth day after adjournment sine die of
29 the session of the legislature in which enacted or as
30 otherwise provided therein. If the law is passed over the
31 veto of the governor, it shall take effect on the sixtieth day

1 after adjournment sine die of the session in which the veto is
2 overridden, on a later date fixed in the law, or on a date
3 fixed by resolution passed by both houses of the legislature.

4 SECTION 10. Special laws.--No special law shall be
5 passed unless notice of intention to seek enactment thereof
6 has been published in the manner provided by general law.
7 Such notice shall not be necessary when the law, except the
8 provision for referendum, is conditioned to become effective
9 only upon approval by vote of the electors of the area
10 affected.

11 SECTION 11. Prohibited special laws.--

12 (a) There shall be no special law or general law of
13 local application pertaining to:

14 (1) Election, jurisdiction, or duties of officers,
15 except officers of municipalities, chartered counties, special
16 districts, or local governmental agencies;

17 (2) Assessment or collection of taxes for state or
18 county purposes, including extension of time therefor, relief
19 of tax officers from due performance of their duties, and
20 relief of their sureties from liability;

21 (3) Rules of evidence in any court;

22 (4) Punishment for crime;

23 (5) Petit juries, including compensation of jurors,
24 except establishment of jury commissions;

25 (6) Change of civil or criminal venue;

26 (7) Conditions precedent to bringing any civil or
27 criminal proceedings, or limitations of time therefor;

28 (8) Refund of money legally paid or remission of
29 fines, penalties, or forfeitures;

30
31

1 (9) Creation, enforcement, extension, or impairment of
2 liens based on private contracts, or fixing of interest rates
3 on private contracts;

4 (10) Disposal of public property, including any
5 interest therein, for private purposes;

6 (11) Vacation of roads;

7 (12) Private incorporation or grant of privilege to a
8 private corporation;

9 (13) Effectuation of invalid deeds, wills, or other
10 instruments, or change in the law of descent;

11 (14) Change of name of any person;

12 (15) Divorce;

13 (16) Legitimation or adoption of persons;

14 (17) Relief of minors from legal disabilities;

15 (18) Transfer of any property interest of persons
16 under legal disabilities or of estates of decedents;

17 (19) Hunting or freshwater ~~fresh-water~~ fishing;

18 (20) Regulation of occupations which are regulated by
19 a state agency; or

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

23 (b) In the enactment of general laws on other
24 subjects, political subdivisions or other governmental
25 entities may be classified only on a basis reasonably related
26 to the subject of the law.

27 SECTION 12. Appropriation bills.--Laws making
28 appropriations for salaries of public officers and other
29 current expenses of the state shall contain provisions on no
30 other subject.

31

1 SECTION 13. Term of office.--No office shall be
2 created the term of which shall exceed four years except as
3 provided herein.

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

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

14 (a) SENATORS. Senators shall be elected for terms of
15 four years, those from odd-numbered districts in the years the
16 numbers of which are multiples of four and those from
17 even-numbered districts in even-numbered years the numbers of
18 which are not multiples of four; except, at the election next
19 following a reapportionment, some senators shall be elected
20 for terms of two years when necessary to maintain staggered
21 terms.

22 (b) REPRESENTATIVES. Members of the house of
23 representatives shall be elected for terms of two years in
24 each even-numbered year.

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

29 (d) ASSUMING OFFICE; VACANCIES. Members of the
30 legislature shall take office upon election. Vacancies in a
31

1 legislative office shall be filled only by election as
2 provided by law.

3 SECTION 16. Legislative apportionment.--

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

21 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
22 REAPPORTIONMENT. In the event a special apportionment session
23 of the legislature finally adjourns without adopting a joint
24 resolution of apportionment, the attorney general shall,
25 within five days, petition the supreme court of the state to
26 make such apportionment. No later than the sixtieth day after
27 the filing of such petition, the supreme court shall file with
28 the custodian of state records an order making such
29 apportionment.

30 (c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen
31 days after the passage of the joint resolution of

1 | apportionment, the attorney general shall petition the supreme
2 | court of the state for a declaratory judgment determining the
3 | validity of the apportionment. The supreme court, in
4 | accordance with its rules, shall permit adversary interests to
5 | present their views and, within thirty days from the filing of
6 | the petition, shall enter its judgment.

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

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

28 | (f) JUDICIAL REAPPORTIONMENT. Should an extraordinary
29 | apportionment session fail to adopt a resolution of
30 | apportionment or should the supreme court determine that the
31 | apportionment made is invalid, the court shall, not later than

1 sixty days after receiving the petition of the attorney
2 general, file with the custodian of state records an order
3 making such apportionment.

4 SECTION 17. Impeachment.--

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

14 (b) An officer impeached by the house of
15 representatives shall be disqualified from performing any
16 official duties until acquitted by the senate, and, unless
17 impeached, the governor may by appointment fill the office
18 until completion of the trial.

19 (c) All impeachments by the house of representatives
20 shall be tried by the senate. The chief justice of the
21 supreme court, or another justice designated by the chief
22 justice, shall preside at the trial, except in a trial of the
23 chief justice, in which case the governor shall preside. The
24 senate shall determine the time for the trial of any
25 impeachment and may sit for the trial whether the house of
26 representatives be in session or not. The time fixed for trial
27 shall not be more than six months after the impeachment.
28 During an impeachment trial senators shall be upon their oath
29 or affirmation. No officer shall be convicted without the
30 concurrence of two-thirds of the members of the senate
31 present. Judgment of conviction in cases of impeachment shall

1 remove the offender from office and, in the discretion of the
2 senate, may include disqualification to hold any office of
3 honor, trust, or profit. Conviction or acquittal shall not
4 affect the civil or criminal responsibility of the officer.

5 SECTION 18. Conflict of Interest.--A code of ethics
6 for all state employees and nonjudicial officers prohibiting
7 conflict between public duty and private interests shall be
8 prescribed by law.

9 SECTION 19. State Budgeting, Planning and
10 Appropriations Processes.--

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

20 (b) APPROPRIATION BILLS FORMAT. Separate sections
21 within the general appropriation bill shall be used for each
22 major program area of the state budget; major program areas
23 shall include: education enhancement "lottery" trust fund
24 items; education (all other funds); human services; criminal
25 justice and corrections; natural resources, environment,
26 growth management, and transportation; general government; and
27 judicial branch. Each major program area shall include an
28 itemization of expenditures for: state operations; state
29 capital outlay; aid to local governments and nonprofit
30 organizations operations; aid to local governments and
31 nonprofit organizations capital outlay; federal funds and the

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

19 (c) APPROPRIATIONS REVIEW PROCESS. ~~Effective July 1,~~
20 ~~1993,~~ General law shall prescribe requirements for each
21 department and agency of state government to submit a planning
22 document and supporting budget request for review by the
23 appropriations committees of both houses of the legislature.
24 The review shall include a comparison of the major issues in
25 the planning document and budget requests to those major
26 issues included in the governor's recommended budget. For
27 purposes of this subsection, the terms department and agency
28 shall include the judicial branch.

29 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All
30 general appropriation bills shall be furnished to each member
31 of the legislature, each member of the cabinet, the governor,

1 and the chief justice of the supreme court at least
2 seventy-two hours before final passage by either house of the
3 legislature of the bill in the form that will be presented to
4 the governor.

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

13 (f) TRUST FUNDS.

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

18 (2) State trust funds in existence before the
19 effective date of this subsection shall terminate not more
20 than four years after the effective date of this subsection.
21 State trust funds created after the effective date of this
22 subsection shall terminate not more than four years after the
23 effective date of the act authorizing the creation of the
24 trust fund. By law the legislature may set a shorter time
25 period for which any trust fund is authorized.

26 (3) Trust funds required by federal programs or
27 mandates; trust funds established for bond covenants,
28 indentures, or resolutions, whose revenues are legally pledged
29 by the state or public body to meet debt service or other
30 financial requirements of any debt obligations of the state or
31 any public body; the state transportation trust fund; the

1 trust fund containing the net annual proceeds from the Florida
2 Education Lotteries; the Florida retirement trust fund; trust
3 funds for institutions under the management of the Board of
4 Regents, where such trust funds are for auxiliary enterprises
5 and contracts, grants, and donations, as those terms are
6 defined by general law; trust funds that serve as clearing
7 funds or accounts for the chief financial officer or state
8 agencies; trust funds that account for assets held by the
9 state in a trustee capacity as an agent or fiduciary for
10 individuals, private organizations, or other governmental
11 units; and other trust funds authorized by this Constitution,
12 are not subject to the requirements set forth in paragraph (2)
13 of this subsection.

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

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

19 (g) BUDGET STABILIZATION FUND. ~~Beginning with the~~
20 ~~1994 1995 fiscal year, at least 1% of an amount equal to the~~
21 ~~last completed fiscal year's net revenue collections for the~~
22 ~~general revenue fund shall be retained in a budget~~
23 ~~stabilization fund. The budget stabilization fund shall be~~
24 ~~increased to at least 2% of said amount for the 1995 1996~~
25 ~~fiscal year, at least 3% of said amount for the 1996 1997~~
26 ~~fiscal year, at least 4% of said amount for the 1997 1998~~
27 ~~fiscal year, and at least 5% of said amount for the 1998 1999~~
28 ~~fiscal year.~~ Subject to the provisions of this subsection,
29 the budget stabilization fund shall be maintained at an amount
30 equal to at least five percent 5% of the last completed fiscal
31 year's net revenue collections for the general revenue fund.

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

13 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
14 PLANNING DOCUMENT PROCESSES. The governor shall recommend to
15 the legislature biennially any revisions to the state planning
16 document, as defined by law. General law shall require a
17 biennial review and revision of the state planning document,
18 shall require the governor to report to the legislature on the
19 progress in achieving the state planning document's goals, and
20 shall require all departments and agencies of state government
21 to develop planning documents consistent with the state
22 planning document. The state planning document and department
23 and agency planning documents shall remain subject to review
24 and revision by the legislature. The department and agency
25 planning documents shall include a prioritized listing of
26 planned expenditures for review and possible reduction in the
27 event of revenue shortfalls, as defined by general law. To
28 ensure productivity and efficiency in the executive,
29 legislative, and judicial branches, a quality management and
30 accountability program shall be implemented by general law.
31 For the purposes of this subsection, the terms "department"

1 and "agency" shall include the judicial branch. ~~This~~
2 ~~subsection shall be effective July 1, 1993.~~

3 ARTICLE IV

4 EXECUTIVE

5 SECTION 1. Governor.--

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

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

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

31

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

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

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

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

21 SECTION 3. Succession to office of governor; acting
22 governor.--

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

27 (b) Upon impeachment of the governor and until
28 completion of trial thereof, or during the governor's physical
29 or mental incapacity, the lieutenant governor shall act as
30 governor. Further succession as acting governor shall be
31 prescribed by law. Incapacity to serve as governor may be

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

11 | SECTION 4. Cabinet.--

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

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

31 |

1 (c) The chief financial officer shall serve as the
2 chief fiscal officer of the state, and shall settle and
3 approve accounts against the state, and shall keep all state
4 funds and securities.

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

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

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

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

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

26 (a) At a state-wide general election in each calendar
27 year the number of which is even but not a multiple of four,
28 the electors shall choose a governor and a lieutenant governor
29 and members of the cabinet each for a term of four years
30 beginning on the first Tuesday after the first Monday in
31 January of the succeeding year. In primary elections,

1 candidates for the office of governor may choose to run
2 without a lieutenant governor candidate. In the general
3 election, all candidates for the offices of governor and
4 lieutenant governor shall form joint candidacies in a manner
5 prescribed by law so that each voter shall cast a single vote
6 for a candidate for governor and a candidate for lieutenant
7 governor running together.

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

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

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

31

1 (b) Boards authorized to grant and revoke licenses to
2 engage in regulated occupations shall be assigned to
3 appropriate departments and their members appointed for fixed
4 terms, subject to removal only for cause.

5 SECTION 7. Suspensions; filling office during
6 suspensions.--

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

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

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

27 SECTION 8. Clemency.--

28 (a) Except in cases of treason and in cases where
29 impeachment results in conviction, the governor may, by
30 executive order filed with the custodian of state records,
31 suspend collection of fines and forfeitures, grant reprieves

1 not exceeding sixty days and, with the approval of two members
2 of the cabinet, grant full or conditional pardons, restore
3 civil rights, commute punishment, and remit fines and
4 forfeitures for offenses.

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

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

16 SECTION 9. Fish and wildlife conservation
17 commission.--There shall be a fish and wildlife conservation
18 commission, composed of seven members appointed by the
19 governor, subject to confirmation by the senate for staggered
20 terms of five years. The commission shall exercise the
21 regulatory and executive powers of the state with respect to
22 wild animal life and freshwater ~~fresh-water~~ aquatic life, and
23 shall also exercise regulatory and executive powers of the
24 state with respect to marine life, except that all license
25 fees for taking wild animal life, freshwater ~~fresh-water~~
26 aquatic life, and marine life and penalties for violating
27 regulations of the commission shall be prescribed by general
28 law. The commission shall establish procedures to ensure
29 adequate due process in the exercise of its regulatory and
30 executive functions. The legislature may enact laws in aid of
31 the commission, not inconsistent with this section, except

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

19 SECTION 10. Attorney General.--The attorney general
20 shall, as directed by general law, request the opinion of the
21 justices of the supreme court as to the validity of any
22 initiative petition circulated pursuant to Section 3 of
23 Article XI. The justices shall, subject to their rules of
24 procedure, permit interested persons to be heard on the
25 questions presented and shall render their written opinion no
26 later than April 1 of the year in which the initiative is to
27 be submitted to the voters pursuant to Section 5 of Article
28 XI.

29 SECTION 11. Department of Veterans Affairs.--The
30 legislature, by general law, may provide for the establishment
31 of the Department of Veterans Affairs.

1 SECTION 12. Department of Elderly Affairs.--The
2 legislature may create a Department of Elderly Affairs and
3 prescribe its duties. The provisions governing the
4 administration of the department must comply with Section 6 of
5 Article IV of the State Constitution.

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

18 ARTICLE V

19 JUDICIARY

20 SECTION 1. Courts.--The judicial power shall be vested
21 in a supreme court, district courts of appeal, circuit courts,l
22 and county courts. No other courts may be established by the
23 state, any political subdivision,l or any municipality. The
24 legislature shall, by general law, divide the state into
25 appellate court districts and judicial circuits following
26 county lines. Commissions established by law, or
27 administrative officers or bodies,l may be granted
28 quasi-judicial power in matters connected with the functions
29 of their offices. The legislature may establish,l by general
30 law,l a civil traffic hearing officer system for the purpose of
31 hearing civil traffic infractions. The legislature may, by

1 | general law, authorize a military court-martial to be
2 | conducted by military judges of the Florida National Guard,
3 | with direct appeal of a decision to the District Court of
4 | Appeal, First District.

5 | SECTION 2. Administration; practice and procedure.--

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

19 | (b) The chief justice of the supreme court shall be
20 | chosen by a majority of the members of the court; shall be the
21 | chief administrative officer of the judicial system; and shall
22 | have the power to assign justices or judges, including
23 | consenting retired justices or judges, to temporary duty in
24 | any court for which the judge is qualified and to delegate to
25 | a chief judge of a judicial circuit the power to assign judges
26 | for duty in that circuit.

27 | (c) A chief judge for each district court of appeal
28 | shall be chosen by a majority of the judges thereof or, if
29 | there is no majority, by the chief justice. The chief judge
30 | shall be responsible for the administrative supervision of the
31 | court.

1 (d) A chief judge in each circuit shall be chosen from
2 among the circuit judges as provided by supreme court rule.
3 The chief judge shall be responsible for the administrative
4 supervision of the circuit courts and county courts in his or
5 her circuit.

6 SECTION 3. Supreme court.--

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

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

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

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

27 (3) May review any decision of a district court of
28 appeal that expressly declares valid a state statute, or that
29 expressly construes a provision of the state or federal
30 constitution, or that expressly affects a class of
31 constitutional or state officers, or that expressly and

1 directly conflicts with a decision of another district court
2 of appeal or of the supreme court on the same question of law.

3 (4) May review any decision of a district court of
4 appeal that passes upon a question certified by it to be of
5 great public importance, or that is certified by it to be in
6 direct conflict with a decision of another district court of
7 appeal.

8 (5) May review any order or judgment of a trial court
9 certified by the district court of appeal, in which an appeal
10 is pending, to be of great public importance, or to have a
11 great effect on the proper administration of justice
12 throughout the state, and certified to require immediate
13 resolution by the supreme court.

14 (6) May review a question of law certified by the
15 Supreme Court of the United States or a United States Court of
16 Appeals which is determinative of the cause and for which
17 there is no controlling precedent of the supreme court of
18 Florida.

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

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

23 (9) May, or any justice may, issue writs of habeas
24 corpus returnable before the supreme court or any justice, a
25 district court of appeal or any judge thereof, or any circuit
26 judge.

27 (10) Shall, when requested by the attorney general
28 pursuant to the provisions of Section 10 of Article IV, render
29 an advisory opinion of the justices, addressing issues as
30 provided by general law.
31

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

8 SECTION 4. District courts of appeal.--

9 (a) ORGANIZATION.--There shall be a district court of
10 appeal serving each appellate district. Each district court
11 of appeal shall consist of at least three judges. Three judges
12 shall consider each case and the concurrence of two shall be
13 necessary to a decision.

14 (b) JURISDICTION.--

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

22 (2) District courts of appeal shall have the power of
23 direct review of administrative action, as prescribed by
24 general law.

25 (3) A district court of appeal or any judge thereof
26 may issue writs of habeas corpus returnable before the court
27 or any judge thereof or before any circuit judge within the
28 territorial jurisdiction of the court. A district court of
29 appeal may issue writs of mandamus, certiorari, prohibition,
30 quo warranto, and other writs necessary to the complete
31 exercise of its jurisdiction. To the extent necessary to

1 dispose of all issues in a cause properly before it, a
2 district court of appeal may exercise any of the appellate
3 jurisdiction of the circuit courts.

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

12 SECTION 5. Circuit courts.--

13 (a) ORGANIZATION.--There shall be a circuit court
14 serving each judicial circuit.

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

25 SECTION 6. County courts.--

26 (a) ORGANIZATION.--There shall be a county court in
27 each county. There shall be one or more judges for each
28 county court as prescribed by general law.

29 (b) JURISDICTION.--The county courts shall exercise
30 the jurisdiction prescribed by general law. Such jurisdiction
31 shall be uniform throughout the state.

1 SECTION 7. Specialized divisions.--All courts except
2 the supreme court may sit in divisions as may be established
3 by general law. A circuit or county court may hold civil and
4 criminal trials and hearings in any place within the
5 territorial jurisdiction of the court as designated by the
6 chief judge of the circuit.

7 SECTION 8. Eligibility.--No person shall be eligible
8 for office of justice or judge of any court unless the person
9 is an elector of the state and resides in the territorial
10 jurisdiction of the court. No justice or judge shall serve
11 after attaining the age of seventy years except upon temporary
12 assignment or to complete a term, one-half of which has been
13 served. No person is eligible for the office of justice of
14 the supreme court or judge of a district court of appeal
15 unless the person is, and has been for the preceding ten
16 years, a member of the bar of Florida. No person is eligible
17 for the office of circuit judge unless the person is, and has
18 been for the preceding five years, a member of the bar of
19 Florida. Unless otherwise provided by general law, no person
20 is eligible for the office of county court judge unless the
21 person is, and has been for the preceding five years, a member
22 of the bar of Florida. Unless otherwise provided by general
23 law, a person shall be eligible for election or appointment to
24 the office of county court judge in a county having a
25 population of 40,000 or less if the person is a member in good
26 standing of the bar of Florida.

27 SECTION 9. Determination of number of judges.--The
28 supreme court shall establish by rule uniform criteria for the
29 determination of the need for additional judges except supreme
30 court justices, the necessity for decreasing the number of
31 judges and for increasing, decreasing, or redefining appellate

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

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

28 | (a) Any justice or judge may qualify for retention by
29 | a vote of the electors in the general election next preceding
30 | the expiration of the justice's or judge's term in the manner
31 | prescribed by law. If a justice or judge is ineligible or

1 fails to qualify for retention, a vacancy shall exist in that
2 office upon the expiration of the term being served by the
3 justice or judge. When a justice or judge so qualifies, the
4 ballot shall read substantially as follows: "Shall Justice (or
5 Judge) ...(name of justice or judge)... of the ...(name of the
6 court)... be retained in office?" If a majority of the
7 qualified electors voting within the territorial jurisdiction
8 of the court vote to retain, the justice or judge shall be
9 retained for a term of six years. The term of the justice or
10 judge retained shall commence on the first Tuesday after the
11 first Monday in January following the general election. If a
12 majority of the qualified electors voting within the
13 territorial jurisdiction of the court vote to not retain, a
14 vacancy shall exist in that office upon the expiration of the
15 term being served by the justice or judge.

16 (b)(1) The election of circuit judges shall be
17 preserved notwithstanding the provisions of subsection (a)
18 unless a majority of those voting in the jurisdiction of that
19 circuit approves a local option to select circuit judges by
20 merit selection and retention rather than by election. The
21 election of circuit judges shall be by a vote of the qualified
22 electors within the territorial jurisdiction of the court.

23 (2) The election of county court judges shall be
24 preserved notwithstanding the provisions of subsection (a)
25 unless a majority of those voting in the jurisdiction of that
26 county approves a local option to select county judges by
27 merit selection and retention rather than by election. The
28 election of county court judges shall be by a vote of the
29 qualified electors within the territorial jurisdiction of the
30 court.
31

1 (3)a. A vote to exercise a local option to select
2 circuit court judges and county court judges by merit
3 selection and retention rather than by election shall be held
4 in each circuit and county at the general election in the year
5 2000. If a vote to exercise this local option fails in a vote
6 of the electors, such option shall not again be put to a vote
7 of the electors of that jurisdiction until the expiration of
8 at least two years.

9 b. ~~After the year 2000,~~ A circuit may initiate the
10 local option for merit selection and retention or the election
11 of circuit judges, whichever is applicable, by filing with the
12 custodian of state records a petition signed by the number of
13 electors equal to at least ten percent of the votes cast in
14 the circuit in the last preceding election in which
15 presidential electors were chosen.

16 c. ~~After the year 2000,~~ A county may initiate the
17 local option for merit selection and retention or the election
18 of county court judges, whichever is applicable, by filing
19 with the supervisor of elections a petition signed by the
20 number of electors equal to at least ten percent of the votes
21 cast in the county in the last preceding election in which
22 presidential electors were chosen. The terms of circuit judges
23 and judges of county courts shall be for six years.

24 SECTION 11. Vacancies.--

25 (a) Whenever a vacancy occurs in a judicial office to
26 which election for retention applies, the governor shall fill
27 the vacancy by appointing for a term ending on the first
28 Tuesday after the first Monday in January of the year
29 following the next general election occurring at least one
30 year after the date of appointment, one of not fewer than
31

1 three persons nor more than six persons nominated by the
2 appropriate judicial nominating commission.

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

13 (c) The nominations shall be made within thirty days
14 from the occurrence of a vacancy unless the period is extended
15 by the governor for a time not to exceed thirty days. The
16 governor shall make the appointment within sixty days after
17 the nominations have been certified to the governor.

18 (d) There shall be a separate judicial nominating
19 commission as provided by general law for the supreme court,
20 each district court of appeal, and each judicial circuit for
21 all trial courts within the circuit. Uniform rules of
22 procedure shall be established by the judicial nominating
23 commissions at each level of the court system. Such rules, or
24 any part thereof, may be repealed by general law enacted by a
25 majority vote of the membership of each house of the
26 legislature, or by the supreme court, five justices
27 concurring. Except for deliberations of the judicial
28 nominating commissions, the proceedings of the commissions and
29 their records shall be open to the public.

30 SECTION 12. Discipline; removal and retirement.--
31

1 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial
2 qualifications commission is created.

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

23 a. Two judges of district courts of appeal selected by
24 the judges of those courts, two circuit judges selected by the
25 judges of the circuit courts and two judges of county courts
26 selected by the judges of those courts;

27 b. Four electors who reside in the state, who are
28 members of the bar of Florida, and who shall be chosen by the
29 governing body of the bar of Florida; and
30
31

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

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

15 (3) Members of the judicial qualifications commission
16 not subject to impeachment shall be subject to removal from
17 the commission pursuant to the provisions of Article IV,
18 Section 7, Florida Constitution.

19 (4) The commission shall adopt rules regulating its
20 proceedings, the filling of vacancies by the appointing
21 authorities, the disqualification of members, the rotation of
22 members between the panels, and the temporary replacement of
23 disqualified or incapacitated members. The commission's
24 rules, or any part thereof, may be repealed by general law
25 enacted by a majority vote of the membership of each house of
26 the legislature, or by the supreme court, five justices
27 concurring. The commission shall have power to issue
28 subpoenas. Until formal charges against a justice or judge are
29 filed by the investigative panel with the clerk of the supreme
30 court of Florida all proceedings by or before the commission
31 shall be confidential; provided, however, upon a finding of

1 | probable cause and the filing by the investigative panel with
2 | said clerk of such formal charges against a justice or judge
3 | such charges and all further proceedings before the commission
4 | shall be public.

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

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

29 | (c) SUPREME COURT.--The supreme court shall receive
30 | recommendations from the judicial qualifications commission's
31 | hearing panel.

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

19 (2) The supreme court may award costs to the
20 prevailing party.

21 (d) The power of removal conferred by this section
22 shall be both alternative and cumulative to the power of
23 impeachment.

24 (e) Notwithstanding any of the foregoing provisions of
25 this section, if the person who is the subject of proceedings
26 by the judicial qualifications commission is a justice of the
27 supreme court of Florida all justices of such court
28 automatically shall be disqualified to sit as justices of such
29 court with respect to all proceedings therein concerning such
30 person and the supreme court for such purposes shall be
31 composed of a panel consisting of the seven chief judges of

1 the judicial circuits of the state of Florida most senior in
2 tenure of judicial office as circuit judge. For purposes of
3 determining seniority of such circuit judges in the event
4 there be judges of equal tenure in judicial office as circuit
5 judge, the judge or judges from the lower numbered circuit or
6 circuits shall be deemed senior. In the event any such chief
7 circuit judge is under investigation by the judicial
8 qualifications commission or is otherwise disqualified or
9 unable to serve on the panel, the next most senior chief
10 circuit judge or judges shall serve in place of such
11 disqualified or disabled chief circuit judge.

12 (f) SCHEDULE TO SECTION 12.--

13 (1) Except to the extent inconsistent with the
14 provisions of this section, all provisions of law and rules of
15 court in force on the effective date of this article shall
16 continue in effect until superseded in the manner authorized
17 by the constitution.

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

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

23 b. The investigative panel shall be composed of:

- 24 1. Four judges,
25 2. Two members of the bar of Florida, and
26 3. Three non-lawyers.

27 c. The hearing panel shall be composed of:

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

31

1 d. Membership on the panels may rotate in a manner
2 determined by the rules of the commission provided that no
3 member shall vote as a member of the investigative and hearing
4 panel on the same proceeding.

5 e. The commission shall hire separate staff for each
6 panel.

7 f. The members of the commission shall serve for
8 staggered terms of six years.

9 g. The terms of office of the present members of the
10 judicial qualifications commission shall expire upon the
11 effective date of the amendments to this section approved by
12 the legislature during the regular session of the legislature
13 in 19964 and new members shall be appointed to serve the
14 following staggered terms:

15 1. Group I.--The terms of five members, composed of
16 two electors as set forth in s. 12(a)(1)c. of Article V, one
17 member of the bar of Florida as set forth in s. 12(a)(1)b. of
18 Article V, one judge from the district courts of appeal4 and
19 one circuit judge as set forth in s. 12(a)(1)a. of Article V,
20 shall expire on December 31, 1998.

21 2. Group II.--The terms of five members, composed of
22 one elector as set forth in s. 12(a)(1)c. of Article V, two
23 members of the bar of Florida as set forth in s. 12(a)(1)b. of
24 Article V, one circuit judge4 and one county judge as set
25 forth in s. 12(a)(1)a. of Article V shall expire on December
26 31, 2000.

27 3. Group III.--The terms of five members, composed of
28 two electors as set forth in s. 12(a)(1)c. of Article V, one
29 member of the bar of Florida as set forth in s. 12(a)(1)b.,
30 one judge from the district courts of appeal4 and one county
31

1 judge as set forth in s. 12(a)(1)a. of Article V, shall expire
2 on December 31, 2002.

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

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

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

14 k. The compensation of members and referees shall be
15 the travel expenses or transportation and per diem allowance
16 as provided by general law.

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

21 SECTION 14. Funding.--

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

28 (b) All funding for the offices of the clerks of the
29 circuit and county courts performing court-related functions,
30 except as otherwise provided in this subsection and subsection
31 (c), shall be provided by adequate and appropriate filing fees

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

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

1 (d) The judiciary shall have no power to fix
2 appropriations.

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

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

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

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

9 SECTION 19. Judicial officers as conservators of the
10 peace.--All judicial officers in this state shall be
11 conservators of the peace.

12 SECTION 20. Schedule to Article V.--

13 (a) This article shall replace all of Article V of the
14 Constitution of 1885, as amended, which shall then stand
15 repealed.

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

21 (c) After this article becomes effective, and until
22 changed by general law consistent with sections 1 through 19
23 of this article:

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

28 (2) The appellate districts shall be those in
29 existence on the date of adoption of this article. There
30 shall be a district court of appeal in each district. The
31 district courts of appeal shall have the jurisdiction

1 immediately theretofore exercised by the district courts of
2 appeal and shall determine all proceedings pending before them
3 on the effective date of this article.

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

29 (4) County courts shall have original jurisdiction in
30 all criminal misdemeanor cases not cognizable by the circuit
31 courts, of all violations of municipal and county ordinances,

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

15 (5) Each judicial nominating commission shall be
16 composed of the following:

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

22 b. Three electors who reside in the territorial
23 jurisdiction of the court or circuit appointed by the
24 governor; and

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

29 (6) No justice or judge shall be a member of a
30 judicial nominating commission. A member of a judicial
31 nominating commission may hold public office other than

1 judicial office. No member shall be eligible for appointment
2 to state judicial office so long as that person is a member of
3 a judicial nominating commission and for a period of two years
4 thereafter. All acts of a judicial nominating commission
5 shall be made with a concurrence of a majority of its members.

6 (7) The members of a judicial nominating commission
7 shall serve for a term of four years except the terms of the
8 initial members of the judicial nominating commissions shall
9 expire as follows:

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

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

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

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

28 (9) Any municipality or county may apply to the chief
29 judge of the circuit in which that municipality or county is
30 situated for the county court to sit in a location suitable to
31 the municipality or county and convenient in time and place to

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

11 | (10) All courts except the supreme court may sit in
12 | divisions as may be established by local rule approved by the
13 | supreme court.

14 | (11) A county court judge in any county having a
15 | population of 40,000 or less according to the last decennial
16 | census, shall not be required to be a member of the bar of
17 | Florida.

18 | (12) Municipal prosecutors may prosecute violations of
19 | municipal ordinances.

20 | (13) Justice shall mean a justice elected or appointed
21 | to the supreme court and shall not include any judge assigned
22 | from any court.

23 | (d) When this article becomes effective:

24 | (1) All courts not herein authorized, except as
25 | provided by subsection (d)(4) of this section shall cease to
26 | exist and jurisdiction to conclude all pending cases and
27 | enforce all prior orders and judgments shall vest in the court
28 | that would have jurisdiction of the cause if thereafter
29 | instituted. All records of and property held by courts
30 | abolished hereby shall be transferred to the proper office of
31 | the appropriate court under this article.

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

25 (3) In all counties having a population of less than
26 100,000 according to the 1970 federal census and having more
27 than one county judge on the date of the adoption of this
28 article, there shall be the same number of judges of the
29 county court as there are county judges existing on that date
30 unless changed pursuant to section 9 of this article.
31

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

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

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

30 (6)(7) County judges of existing county judge's courts
31 and justices of the peace and magistrates' court who are not

1 members of bar of Florida shall be eligible to seek election
2 as county court judges of their respective counties.

3 ~~(7)(8)~~ No judge of a court abolished by this article
4 shall become or be eligible to become a judge of the circuit
5 court unless the judge has been a member of bar of Florida for
6 the preceding five years.

7 ~~(8)(9)~~ The office of judges of all other courts
8 abolished by this article shall be abolished as of the
9 effective date of this article.

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

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

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

28 ~~(1)(2)~~ No justice or judge holding office immediately
29 after this article becomes effective who held judicial office
30 on July 1, 1957, shall be subject to retirement from judicial
31 office because of age pursuant to section 8 of this article.

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

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

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

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

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

24 ARTICLE VI

25 SUFFRAGE AND ELECTIONS

26 SECTION 1. Regulation of elections.--All elections by
27 the people shall be by direct and secret vote. General
28 elections shall be determined by a plurality of votes cast.
29 Registration and elections shall, and political party
30 functions may, be regulated by law; however, the requirements
31 for a candidate with no party affiliation or for a candidate

1 of a minor party for placement of the candidate's name on the
2 ballot shall be no greater than the requirements for a
3 candidate of the party having the largest number of registered
4 voters.

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

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

16 SECTION 4. Disqualifications.--

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

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

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

29
30
31

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

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

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

15 | (b) If all candidates for an office have the same
16 | party affiliation and the winner will have no opposition in
17 | the general election, all qualified electors, regardless of
18 | party affiliation, may vote in the primary elections for that
19 | office.

20 | SECTION 6. Municipal and district
21 | elections.--Registration and elections in municipalities
22 | shall, and in other governmental entities created by statute
23 | may, be provided by law.

24 | SECTION 7. Campaign spending limits and funding of
25 | campaigns for elective statewide ~~state-wide~~ office.--It is the
26 | policy of this state to provide for state-wide elections in
27 | which all qualified candidates may compete effectively. A
28 | method of public financing for campaigns for state-wide office
29 | shall be established by law. Spending limits shall be
30 | established for such campaigns for candidates who use public
31 | funds in their campaigns. The legislature shall provide

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

5 ARTICLE VII

6 FINANCE AND TAXATION

7 SECTION 1. Taxation; appropriations; state expenses;
8 state revenue limitation.--

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

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

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

20 (d) Provision shall be made by law for raising
21 sufficient revenue to defray the expenses of the state for
22 each fiscal period.

23 (e) Except as provided herein, state revenues
24 collected for any fiscal year shall be limited to state
25 revenues allowed under this subsection for the prior fiscal
26 year plus an adjustment for growth. As used in this
27 subsection, "growth" means an amount equal to the average
28 annual rate of growth in Florida personal income over the most
29 recent twenty quarters times the state revenues allowed under
30 this subsection for the prior fiscal year. ~~For the 1995-1996~~
31 ~~fiscal year, the state revenues allowed under this subsection~~

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

1 fees, and charges for services imposed by local, regional, or
2 school district governing bodies; or revenue from taxes,
3 licenses, fees, and charges for services required to be
4 imposed by any amendment or revision to this constitution
5 after July 1, 1994. An adjustment to the revenue limitation
6 shall be made by general law to reflect the fiscal impact of
7 transfers of responsibility for the funding of governmental
8 functions between the state and other levels of government.
9 The legislature shall, by general law, prescribe procedures
10 necessary to administer this subsection.

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

20 SECTION 3. Taxes; exemptions.--

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

29 (b) There shall be exempt from taxation, cumulatively,
30 to every head of a family residing in this state, household
31 goods and personal effects to the value fixed by general law,

1 not less than one thousand dollars, and to every widow or
2 widower or person who is blind or totally and permanently
3 disabled, property to the value fixed by general law not less
4 than five hundred dollars.

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

27 (d) By general law and subject to conditions specified
28 therein, there may be granted an ad valorem tax exemption to a
29 renewable energy source device and to real property on which
30 such device is installed and operated, to the value fixed by
31 general law not to exceed the original cost of the device, and

1 for the period of time fixed by general law not to exceed ten
2 years.

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

13 SECTION 4. Taxation; assessments.--By general law
14 regulations shall be prescribed which shall secure a just
15 valuation of all property for ad valorem taxation, provided:

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

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

25 (c) All persons entitled to a homestead exemption
26 under Section 6 of this Article shall have their homestead
27 assessed at just value as of January 1 of the year following
28 the effective date of this amendment. This assessment shall
29 change only as provided herein.

30 (1) Assessments subject to this provision shall be
31 changed annually on January 1st of each year; but those

1 changes in assessments shall not exceed the lower of the
2 following:

3 a. Three percent (3%) of the assessment for the prior
4 year.

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

10 (2) No assessment shall exceed just value.

11 (3) After any change of ownership, as provided by
12 general law, homestead property shall be assessed at just
13 value as of January 1 of the following year. Thereafter, the
14 homestead shall be assessed as provided herein.

15 (4) New homestead property shall be assessed at just
16 value as of January 1st of the year following the
17 establishment of the homestead. That assessment shall only
18 change as provided herein.

19 (5) Changes, additions, reductions, or improvements to
20 homestead property shall be assessed as provided for by
21 general law; provided, however, after the adjustment for any
22 change, addition, reduction, or improvement, the property
23 shall be assessed as provided herein.

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

26 (7) The provisions of this amendment are severable.

27 If any of the provisions of this amendment shall be held
28 unconstitutional by any court of competent jurisdiction, the
29 decision of such court shall not affect or impair any
30 remaining provisions of this amendment.

31

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

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

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

22 (2) Twenty percent of the total assessed value of the
23 property as improved.

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

25 (a) NATURAL PERSONS. No tax upon estates or
26 inheritances or upon the income of natural persons who are
27 residents or citizens of the state shall be levied by the
28 state, or under its authority, in excess of the aggregate of
29 amounts which may be allowed to be credited upon or deducted
30 from any similar tax levied by the United States or any state.
31

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

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

13 (c) EFFECTIVE DATE. This section shall become
14 effective immediately upon approval by the electors of
15 Florida.

16 SECTION 6. Homestead exemptions.--

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

29 (b) Not more than one exemption shall be allowed any
30 individual or family unit or with respect to any residential
31 unit. No exemption shall exceed the value of the real estate

1 assessable to the owner or, in case of ownership through stock
2 or membership in a corporation, the value of the proportion
3 which the interest in the corporation bears to the assessed
4 value of the property.

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

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

30 (e) By general law and subject to conditions specified
31 therein, the Legislature may provide to renters, who are

1 permanent residents, ad valorem tax relief on all ad valorem
2 tax levies. Such ad valorem tax relief shall be in the form
3 and amount established by general law.

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

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

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

30 SECTION 9. Local taxes.--
31

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

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

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

30 (a) The investment of public trust funds;
31

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

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

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

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

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

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

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

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

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

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

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

30 SECTION 12. Local bonds.--Counties, school districts,
31 municipalities, special districts, and local governmental

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

14 ARTICLE VIII

15 LOCAL GOVERNMENT

16 SECTION 1. Counties.--

17 (a) POLITICAL SUBDIVISIONS. The state shall be
18 divided by law into political subdivisions called counties.
19 Counties may be created, abolished~~7~~ or changed by law, with
20 provision for payment or apportionment of the public debt.

21 (b) COUNTY FUNDS. The care, custody~~7~~ and method of
22 disbursing county funds shall be provided by general law.

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

27 (d) COUNTY OFFICERS. There shall be elected by the
28 electors of each county, for terms of four years, a sheriff, a
29 tax collector, a property appraiser, a supervisor of
30 elections, and a clerk of the circuit court; except, when
31 provided by county charter or special law approved by vote of

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

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

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

26 (g) CHARTER GOVERNMENT. Counties operating under
27 county charters shall have all powers of local self-government
28 not inconsistent with general law, or with special law
29 approved by vote of the electors. The governing body of a
30 county operating under a charter may enact county ordinances
31 not inconsistent with general law. The charter shall provide

1 | which shall prevail in the event of conflict between county
2 | and municipal ordinances.

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

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

11 | (j) VIOLATION OF ORDINANCES. Persons violating county
12 | ordinances shall be prosecuted and punished as provided by
13 | law.

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

24 | SECTION 2. Municipalities.--

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

29 | (b) POWERS. Municipalities shall have governmental,
30 | corporate, and proprietary powers to enable them to conduct
31 | municipal government, perform municipal functions and render

1 municipal services, and may exercise any power for municipal
2 purposes except as otherwise provided by law. Each municipal
3 legislative body shall be elective.

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

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

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

28 SECTION 5. Local option.--

29 (a) Local option on the legality or prohibition of the
30 sale of intoxicating liquors, wines, or beers shall be
31 preserved to each county. The status of a county with respect

1 thereto shall be changed only by vote of the electors in a
2 special election called upon the petition of twenty-five
3 percent ~~per cent~~ of the electors of the county, and not sooner
4 than two years after an earlier election on the same question.
5 Where legal, the sale of intoxicating liquors, wines, and
6 beers shall be regulated by law.

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

18 SECTION 6. Schedule to Article VIII.--

19 (a) This article shall replace all of Article VIII of
20 the Constitution of 1885, as amended, except those sections
21 expressly retained and made a part of this article by
22 reference.

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

1 county seats; and the municipalities and special districts of
2 the state, their powers, jurisdiction, and government.

3 (c) OFFICERS TO CONTINUE IN OFFICE. Every person
4 holding office when this article becomes effective shall
5 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 (d) ORDINANCES. Local laws relating only to
10 unincorporated areas of a county on the effective date of this
11 article may be amended or repealed by county ordinance.

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

26 (f) DADE COUNTY; POWERS CONFERRED UPON
27 MUNICIPALITIES. To the extent not inconsistent with the
28 powers of existing municipalities or general law, the
29 Metropolitan Government of Dade County may exercise all the
30 powers conferred now or hereafter by general law upon
31 municipalities.

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

9 ARTICLE IX

10 EDUCATION

11 SECTION 1. Public education.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 SECTION 7. State University System.--

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

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

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

1 after the proposed amendment has been submitted for
2 ratification.

3 SECTION 2. Militia.--

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

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

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

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

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

30 SECTION 4. Homestead; exemptions.--

31

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

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

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

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

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

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

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

3 | SECTION 6. Eminent domain.--

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

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

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

15 | SECTION 8. Census.--

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

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

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

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

31 |

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

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

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

14 (b) The singular includes the plural.

15 (c) The masculine includes the feminine.

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

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

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

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

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

30
31

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

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

12 SECTION 15. State operated lotteries.--

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

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

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

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

25 SECTION 16. Limiting marine net fishing.--

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

1 marine animals from unnecessary killing, overfishing, and
2 waste.

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

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

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

15 (c) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

11 SECTION 17. Everglades Trust Fund.--

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

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

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

31

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

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

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

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

4 SECTION 20. Workplaces without tobacco smoke.--

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 | SECTION 23. Slot machines.--

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

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

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

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

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

11 SECTION 24. Florida minimum wage.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ARTICLE XI

2 AMENDMENTS

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

10 SECTION 2. Revision commission.--

11 (a) Within thirty days before the convening of the
12 2017 regular session of the legislature, and each twentieth
13 year thereafter, there shall be established a constitution
14 revision commission composed of the following thirty-seven
15 members:

16 (1) The attorney general of the state;

17 (2) Fifteen members selected by the governor;

18 (3) Nine members selected by the speaker of the house
19 of representatives and nine members selected by the president
20 of the senate; and

21 (4) Three members selected by the chief justice of the
22 supreme court of Florida with the advice of the justices.

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

27 (c) Each constitution revision commission shall
28 convene at the call of its chair, adopt its rules of
29 procedure, examine the constitution of the state, hold public
30 hearings, and, not later than one hundred eighty days prior to
31 the next general election, file with the custodian of state

1 records its proposal, if any, of a revision of this
2 constitution or any part of it.

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

17 SECTION 4. Constitutional convention.--

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

28 (b) At the next general election held more than ninety
29 days after the filing of such petition, there shall be
30 submitted to the electors of the state the question: "Shall a
31 constitutional convention be held?" If a majority voting on

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

11 | SECTION 5. Amendment or revision election.--

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

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

29 | (c) The legislature shall provide by general law,
30 | prior to the holding of an election pursuant to this section,
31 | for the provision of a statement to the public regarding the

1 | probable financial impact of any amendment proposed by
2 | initiative pursuant to section 3.

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

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

15 | SECTION 6. Taxation and budget reform commission.--

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

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

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

26 | (3) Four non-voting ex officio members, all of whom
27 | shall be members of the legislature at the time of
28 | appointment. Two of these members, one of whom shall be a
29 | member of the minority party in the house of representatives,
30 | shall be selected by the speaker of the house of
31 | representatives, and two of these members, one of whom shall

1 | be a member of the minority party in the senate, shall be
2 | selected by the president of the senate.

3 | (b) Vacancies in the membership of the commission
4 | shall be filled in the same manner as the original
5 | appointments.

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

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

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

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

1 ARTICLE XII

2 SCHEDULE

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

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

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

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

23 SECTION 5. Superintendent of schools.--

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

28 (b) The method of selection of the county
29 superintendent of public instruction of each county, as
30 provided by or under the Constitution of 1885, as amended,
31

1 shall apply to the selection of the district superintendent of
2 schools until changed as herein provided.

3 SECTION 6. Laws preserved.--

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

7 (b) All statutes which, under the Constitution of
8 1885, as amended, apply to the state superintendent of public
9 instruction and those which apply to the county superintendent
10 of public instruction shall under this revision apply,
11 respectively, to the state commissioner of education and the
12 district superintendent of schools.

13 SECTION 7. Rights reserved.--

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

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

27 SECTION 8. Public debts recognized.--All bonds,
28 revenue certificates, revenue bonds,‡ and tax anticipation
29 certificates issued pursuant to the Constitution of 1885, as
30 amended by the state, any agency, political subdivision,‡ or
31 public corporation of the state shall remain in full force and

1 effect and shall be secured by the same sources of revenue as
2 before the adoption of this revision, and, to the extent
3 necessary to effectuate this section, the applicable
4 provisions of the Constitution of 1885, as amended, are
5 retained as a part of this revision until payment in full of
6 these public securities.

7 SECTION 9. Bonds.--

8 (a) ADDITIONAL SECURITIES.

9 (1) Article IX, Section 17, of the Constitution of
10 1885, as amended, as it existed immediately before this
11 Constitution, as revised in 1968, became effective, is adopted
12 by this reference as a part of this revision as completely as
13 though incorporated herein verbatim, except revenue bonds,
14 revenue certificates, or other evidences of indebtedness
15 hereafter issued thereunder may be issued by the agency of the
16 state so authorized by law.

17 (2) That portion of Article XII, Section 9(a) ~~9~~,
18 ~~Subsection (a)~~ of this Constitution, as amended, which by
19 reference adopted Article XII, Section 19 of the Constitution
20 of 1885, as amended, as the same existed immediately before
21 the effective date of this amendment is adopted by this
22 reference as part of this revision as completely as though
23 incorporated herein verbatim, for the purpose of providing
24 that after the effective date of this amendment all of the
25 proceeds of the revenues derived from the gross receipts
26 taxes, as therein defined, collected in each year shall be
27 applied as provided therein to the extent necessary to comply
28 with all obligations to or for the benefit of holders of bonds
29 or certificates issued before the effective date of this
30 amendment or any refundings thereof which are secured by such
31 gross receipts taxes. No bonds or other obligations may be

1 issued pursuant to the provisions of Article XII, Section 19,
2 of the Constitution of 1885, as amended, but this provision
3 shall not be construed to prevent the refunding of any such
4 outstanding bonds or obligations pursuant to the provisions of
5 this subsection (a)(2).

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

16 The capital outlay fund shall be administered by the
17 state board of education as created and constituted by Section
18 2, ~~of~~ Article IX of the Constitution of Florida as revised in
19 1968 (hereinafter referred to as "state board"), or by such
20 other instrumentality of the state which shall hereafter
21 succeed by law to the powers, duties, and functions of the
22 state board, including the powers, duties, and functions of
23 the state board provided in this subsection (a)(2). The state
24 board shall be a body corporate and shall have all the powers
25 provided herein in addition to all other constitutional and
26 statutory powers related to the purposes of this subsection
27 (a)(2) heretofore or hereafter conferred by law upon the state
28 board, or its predecessor created by the Constitution of 1885,
29 as amended.

30 State bonds pledging the full faith and credit of the
31 state may be issued, without a vote of the electors, by the

1 state board pursuant to law to finance or refinance capital
2 projects theretofore authorized by the legislature, and any
3 purposes appurtenant or incidental thereto, for the state
4 system of public education provided for in Section 1, ~~of~~
5 Article IX of this Constitution (hereinafter referred to as
6 "state system"), including but not limited to institutions of
7 higher learning, community colleges, vocational technical
8 schools, or public schools, as now defined or as may hereafter
9 be defined by law. All such bonds shall mature not later than
10 thirty years after the date of issuance thereof. All other
11 details of such bonds shall be as provided by law or by the
12 proceedings authorizing such bonds; provided, however, that no
13 bonds, except refunding bonds, shall be issued, and no
14 proceeds shall be expended for the cost of any capital
15 project, unless such project has been authorized by the
16 legislature.

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

26 The moneys in the capital outlay fund in each fiscal
27 year shall be used only for the following purposes and in the
28 following order of priority:

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

31

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

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

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

21 (c) MOTOR VEHICLE FUEL TAXES.

22 (1) A state tax, designated "second gas tax," of two
23 cents per gallon upon gasoline and other like products of
24 petroleum and an equivalent tax upon other sources of energy
25 used to propel motor vehicles as levied by Article IX, Section
26 16, of the Constitution of 1885, as amended, is hereby
27 continued. The proceeds of said tax shall be placed monthly in
28 the state roads distribution fund in the state treasury.

29 (2) Article IX, Section 16, of the Constitution of
30 1885, as amended, is adopted by this reference as a part of
31 this revision as completely as though incorporated herein

1 verbatim for the purpose of providing that after the effective
2 date of this revision the proceeds of the "second gas tax" as
3 referred to therein shall be allocated among the several
4 counties in accordance with the formula stated therein to the
5 extent necessary to comply with all obligations to or for the
6 benefit of holders of bonds, revenue certificates, and tax
7 anticipation certificates or any refundings thereof secured by
8 any portion of the "second gas tax."

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

19 (4) Subject to the requirements of paragraph (2) of
20 this subsection and after payment of administrative expenses,
21 the "second gas tax" shall be allocated to the account of each
22 of the several counties in the amounts to be determined as
23 follows: There shall be an initial allocation of one-fourth in
24 the ratio of county area to state area, one-fourth in the
25 ratio of the total county population to the total population
26 of the state in accordance with the latest available federal
27 census, and one-half in the ratio of the total "second gas
28 tax" collected on retail sales or use in each county to the
29 total collected in all counties of the state during the
30 previous fiscal year. If the annual debt service requirements
31 of any obligations issued for any county, including any

1 deficiencies for prior years, secured under paragraph (2) of
2 this subsection, exceeds the amount which would be allocated
3 to that county under the formula set out in this paragraph,
4 the amounts allocated to other counties shall be reduced
5 proportionately.

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

1 "second gas tax" allocated under paragraph 9(c)(4). No such
2 bonds shall be issued unless a state fiscal agency created by
3 law has made a determination that in no state fiscal year will
4 the debt service requirements of the bonds and all other bonds
5 secured by the pledged portion of the "second gas tax"
6 allocated to the county exceed seventy-five per cent of the
7 pledged portion of the "second gas tax" allocated to that
8 county for the preceding state fiscal year, of the pledged net
9 tolls from existing facilities collected in the preceding
10 state fiscal year, and of the annual average net tolls
11 anticipated during the first five state fiscal years of
12 operation of new projects to be financed, and of any other
13 legally available pledged revenues collected in the preceding
14 state fiscal year. Bonds issued pursuant to this subsection
15 shall be payable primarily from the pledged tolls, the pledged
16 portions of the "second gas tax" allocated to that county, and
17 any other pledged revenue, and shall mature not later than
18 forty years from the date of issuance.

19 (d) SCHOOL BONDS.

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

1 with the school district of each county as provided in Article
2 IX, Section 4(a) ~~4, Subsection (a)~~ of this constitution, in
3 each year computed as provided therein to the extent necessary
4 to comply with all obligations to or for the benefit of
5 holders of bonds or motor vehicle tax anticipation
6 certificates issued before the effective date of this
7 amendment or any refundings thereof which are secured by any
8 portion of such revenues derived from the licensing of motor
9 vehicles.

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

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

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

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

10 | (4) Such funds so distributed shall be administered by
11 | the state board as now created and constituted by Section 24
12 | ~~of~~ Article IX of the State Constitution as revised in 1968, or
13 | by such other instrumentality of the state which shall
14 | hereafter succeed by law to the powers, duties4 and functions
15 | of the state board, including the powers, duties4 and
16 | functions of the state board provided in this amendment. For
17 | the purposes of this amendment, said state board shall be a
18 | body corporate and shall have all the powers provided in this
19 | amendment in addition to all other constitutional and
20 | statutory powers related to the purposes of this amendment
21 | heretofore or hereafter conferred upon said state board.

22 | (5) The state board shall, in addition to its other
23 | constitutional and statutory powers, have the management,
24 | control4 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 which can be issued on
9 behalf of any school district or community college district to
10 ninety percent (90%) of the amount which it determines can be
11 serviced by the revenue accruing to the school district or
12 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 subsection
29 ~~(d)(1) 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
5 time of issuance of any bonds by any school board of any
6 school 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 which will fail to provide the full
12 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 ~~9(d)~~ 9, ~~subsection (d)~~
2 of the Constitution as revised in 1968, and bonds issued
3 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 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 10. Preservation of constitutional provisions
12 as statutes.--

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

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

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

27 SECTION 11. Deletion of obsolete schedule items.--The
28 legislature shall have power, by joint resolution, to delete
29 from this revision any section of this Article XII, including
30 this section, when all events to which the section to be
31 deleted is or could become applicable have occurred. A

1 legislative determination of fact made as a basis for
2 application of this section shall be subject to judicial
3 review.

4 SECTION 12. Senators.--The requirements of staggered
5 terms of senators in Section 15(a), ~~of~~ Article III of this
6 revision shall apply only to senators elected in November~~7~~
7 1972, and thereafter.

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

13 SECTION 14. Representatives; terms.--The legislature
14 at its first regular session following the ratification of
15 this revision, by joint resolution, shall propose to the
16 electors of the state for ratification or rejection in the
17 general election of 1970 an amendment to Article III, Section
18 15(b), of the constitution providing staggered terms of four
19 years for members of the house of representatives.

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

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

29 SECTION 17. Conflicting provisions.--This schedule is
30 designed to effect the orderly transition of government from
31 the Constitution of 1885, as amended, to this revision and

1 shall control in all cases of conflict with any part of
2 Article I through IV, VII, and IX through XI herein.

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

7 ~~SECTION 19. Renewable energy source property. The~~
8 ~~amendment to Section 3 of Article VII, relating to an~~
9 ~~exemption for a renewable energy source device and real~~
10 ~~property on which such device is installed, if adopted at the~~
11 ~~special election in October 1980, shall take effect January 1,~~
12 ~~1981.~~

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

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

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

24 SECTION 23. Fish and wildlife conservation
25 commission.--

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

1 retirement, resignation, removal, or expiration of the terms
2 of the initial members results in fewer than seven members
3 remaining.

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

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

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

18 SECTION 24. Executive branch reform.--

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

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

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

31

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

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

8 BE IT FURTHER RESOLVED that the following statement be
9 placed on the ballot:

10 CONSTITUTIONAL AMENDMENT AND REVISIONS

11 ARTICLE X, SECTION 21

12 CRUEL AND INHUMANE CONFINEMENT OF PREGNANT

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

18 MULTIPLE ARTICLES

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