HJR 7143 2006 **CS** 

## CHAMBER ACTION

The Justice Council recommends the following:

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## Council/Committee Substitute

Remove the entire bill and insert:

House Joint Resolution

A joint resolution proposing an amendment to Section 12 of Article X of the State Constitution; revising rules of construction to be used when interpreting the extent of political power vested in the legislative branch to provide that the expression of one thing does not imply the exclusion of another, unless the limitation is necessary to carry out the purpose of the constitutional provision, and to provide that a limitation shall not be implied based on the comprehensiveness of the constitutional provision.

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

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That the following amendment to Section 12 of Article X of 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:

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CODING: Words stricken are deletions; words underlined are additions.

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MISCELLANEOUS

24 ARTICLE X

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

- (a) "Herein" refers to the entire constitution.
- (b) The singular includes the plural.
- (c) The masculine includes the feminine.
- (d) "Vote of the electors" means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the electors of the governmental unit referred to in the text.
- (e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. "Of the membership" means "of all members thereof."
- (f) The terms "judicial office," "justices" and "judges" shall not include judges of courts established solely for the trial of violations of ordinances.
  - (g) "Special law" means a special or local law.
- (h) Titles and subtitles shall not be used in construction.
- (i) In interpreting the extent of political power vested in the legislative branch by the people:
- (1) The expression of one thing does not imply the exclusion of another, unless the limitation is necessary to carry out the purpose of the constitutional provision.

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(2) A limitation shall not be implied based on the comprehensiveness of the constitutional provision.

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

## CONSTITUTIONAL AMENDMENT

## ARTICLE X, SECTION 12

RULES OF CONSTRUCTION. -- Proposing an amendment to the State Constitution to revise the rules of construction to be used when interpreting the State Constitution. The revision provides that, when interpreting the extent of political power vested in the Legislature by the people, the expression of one thing does not imply the exclusion of another, unless the exclusion is necessary to carry out the purpose of the constitutional provision. After the revision takes effect, the general maxim "expressio unius est exclusio alterius," which stands for the proposition that the expression of one thing is the exclusion of another, could not be applied when interpreting the extent of political power vested in the Legislature by the people except when the exclusion is necessary to carry out the purpose of the constitutional provision. In addition, the revision provides that when interpreting the extent of political power vested in the Legislature by the people, a limitation shall not be implied based on the comprehensiveness of the constitutional provision.