

House Joint Resolution

A joint resolution proposing the revision of the whole State Constitution to delete obsolete provisions and to correct errors in spelling, punctuation, and grammar, inconsistencies in wording and style, and other technical issues; to correct an erroneous filing date in Article XI, section 6(e), which relates to the Taxation and Budget Reform Commission; to repeal Article I, section 26, which pertains to a claimant's right to compensation in medical liability claims, and to provide for its codification as a statute; to repeal Article II, section 9, which pertains to English as the official language of Florida, and to provide for its codification as a statute; to repeal Article IX, section 7, which pertains to a system of governance for the State University System of Florida, and to provide for its codification as a statute; to repeal Article X, section 21, which pertains to the confinement of pregnant pigs, and to provide for its codification as a statute; to repeal Article X, section 24, which pertains to a state minimum wage in Florida, and to provide for its codification as a statute; to repeal Article X, section 25, which pertains to a patient's right to know about adverse medical incidents, and to provide for its codification as a statute; to repeal Article X, section 26, which pertains to a prohibition on having a medical license after repeated medical malpractice, and to provide for its codification as a statute.

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

30
 31 That the following revision to the State Constitution is
 32 agreed to and shall be submitted to the electors of this state
 33 for approval or rejection at the next general election or at an
 34 earlier special election specifically authorized by law for that
 35 purpose:

36
 37 PREAMBLE

38
 39 We, the people of the State of Florida, being grateful to
 40 Almighty God for our constitutional liberty, in order to secure
 41 its benefits, perfect our government, ensure ~~insure~~ domestic
 42 tranquility, maintain public order, and guarantee equal civil
 43 and political rights to all, do ordain and establish this
 44 constitution.

45
 46 ARTICLE I
 47 DECLARATION OF RIGHTS

48
 49 SECTION 1. Political power.--All political power is
 50 inherent in the people. The enunciation herein of certain rights
 51 shall not be construed to deny or impair others retained by the
 52 people.

53 SECTION 2. Basic rights.--All natural persons, female and
 54 male alike, are equal before the law and have inalienable
 55 rights, among which are the right to enjoy and defend life and
 56 liberty, to pursue happiness, to be rewarded for industry, and

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57 | to acquire, possess, and protect property; except that the
 58 | ownership, inheritance, disposition, and possession of real
 59 | property by aliens ineligible for citizenship may be regulated
 60 | or prohibited by law. No person shall be deprived of any right
 61 | because of race, religion, national origin, or physical
 62 | disability.

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

71 | SECTION 4. Freedom of speech and press.--Every person may
 72 | speak, write, and publish sentiments on all subjects but shall
 73 | be responsible for the abuse of that right. No law shall be
 74 | passed to restrain or abridge the liberty of speech or of the
 75 | press. In all criminal prosecutions and civil actions for
 76 | defamation, the truth may be given in evidence. If the matter
 77 | charged as defamatory is true and was published with good
 78 | motives, the party shall be acquitted or exonerated.

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

82 | SECTION 6. Right to work.--The right of persons to work
 83 | shall not be denied or abridged on account of membership or
 84 | nonmembership ~~non-membership~~ in any labor union or labor

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85 organization. The right of employees, by and through a labor
 86 organization, to bargain collectively shall not be denied or
 87 abridged. Public employees shall not have the right to strike.

88 SECTION 7. Military power.--The military power shall be
 89 subordinate to the civil.

90 SECTION 8. Right to bear arms.--

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

95 (b) There shall be a mandatory period of three days,
 96 excluding weekends and legal holidays, between the purchase and
 97 delivery at retail of any handgun. For the purposes of this
 98 section, "purchase" means the transfer of money or other
 99 valuable consideration to the retailer, and "handgun" means a
 100 firearm capable of being carried and used by one hand, such as a
 101 pistol or revolver. Holders of a concealed weapon permit as
 102 prescribed in Florida law shall not be subject to the provisions
 103 of this subsection ~~paragraph~~.

104 (c) The legislature shall enact legislation implementing
 105 subsection (b) ~~of this section, effective no later than December~~
 106 ~~31, 1991~~, which shall provide that anyone violating the
 107 provisions of subsection (b) commits ~~shall be guilty of~~ a
 108 felony.

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

111 SECTION 9. Due process.--No person shall be deprived of
 112 life, liberty, or property without due process of law, or be

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113 twice put in jeopardy for the same offense, or be compelled in
 114 any criminal matter to be a witness against oneself.

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

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

120 SECTION 12. Searches and seizures.--The right of the
 121 people to be secure in their persons, houses, papers, and
 122 effects against unreasonable searches and seizures, and against
 123 the unreasonable interception of private communications by any
 124 means, shall not be violated. No warrant shall be issued except
 125 upon probable cause, supported by affidavit, particularly
 126 describing the place or places to be searched, the person or
 127 persons or, thing or things to be seized, the communication to
 128 be intercepted, and the nature of evidence to be obtained. This
 129 right shall be construed in conformity with the Fourth ~~4th~~
 130 Amendment to the United States Constitution, as interpreted by
 131 the United States Supreme Court. Articles or information
 132 obtained in violation of this right shall not be admissible in
 133 evidence if such articles or information would be inadmissible
 134 under decisions of the United States Supreme Court construing
 135 the Fourth ~~4th~~ Amendment to the United States Constitution.

136 SECTION 13. Habeas corpus.--The writ of habeas corpus
 137 shall be grantable of right, freely, and without cost. It shall
 138 be returnable without delay, and shall never be suspended
 139 unless, in case of rebellion or invasion, suspension is
 140 essential to the public safety.

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141 SECTION 14. Pretrial release and detention.--Unless
 142 charged with a capital offense or an offense punishable by life
 143 imprisonment and the proof of guilt is evident or the
 144 presumption is great, every person charged with a crime or
 145 violation of municipal or county ordinance shall be entitled to
 146 pretrial release on reasonable conditions. If no conditions of
 147 release can reasonably protect the community from risk of
 148 physical harm to persons, ensure ~~assure~~ the presence of the
 149 accused at trial, or ensure ~~assure~~ the integrity of the judicial
 150 process, the accused may be detained.

151 SECTION 15. Prosecution for crime; offenses committed by
 152 children.--

153 (a) No person shall be tried for capital crime without
 154 presentment or indictment by a grand jury, or for other felony
 155 without such presentment or indictment or an information under
 156 oath filed by the prosecuting officer of the court, except
 157 persons on active duty in the militia when tried by courts-
 158 martial ~~courts-martial~~.

159 (b) When authorized by law, a child as therein defined may
 160 be charged with a violation of law as an act of delinquency
 161 instead of crime and tried without a jury or other requirements
 162 applicable to criminal cases. Any child so charged shall, upon
 163 demand made as provided by law before a trial in a juvenile
 164 proceeding, be tried in an appropriate court as an adult. A
 165 child found delinquent shall be disciplined as provided by law.

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

167 (a) In all criminal prosecutions the accused shall, upon
 168 demand, be informed of the nature and cause of the accusation.

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169 | and shall be furnished a copy of the charges. The accused, ~~and~~
 170 | shall have the right to have compulsory process for witnesses; i~~;~~
 171 | to confront at trial adverse witnesses; i~~;~~ to be heard in person,
 172 | by counsel, or both; ~~;~~ and to have a speedy and public trial by
 173 | impartial jury in the county where the crime was committed. If
 174 | the county is not known, the indictment or information may
 175 | charge venue in two or more counties conjunctively and proof
 176 | that the crime was committed in that area shall be sufficient;
 177 | but before pleading the accused may elect in which of those
 178 | counties the trial will take place. Venue for prosecution of
 179 | crimes committed beyond the boundaries of the state shall be
 180 | fixed by law.

181 | (b) Victims of crime or their lawful representatives,
 182 | including the next of kin of homicide victims, are entitled to
 183 | the right to be informed, to be present, and to be heard when
 184 | relevant, at all crucial stages of criminal proceedings, to the
 185 | extent that these rights do not interfere with the
 186 | constitutional rights of the accused.

187 | SECTION 17. Excessive punishments.--Excessive fines, cruel
 188 | and unusual punishment, attainder, forfeiture of estate,
 189 | indefinite imprisonment, and unreasonable detention of witnesses
 190 | are forbidden. The death penalty is an authorized punishment for
 191 | capital crimes designated by the legislature. The prohibition
 192 | against cruel or unusual punishment, and the prohibition against
 193 | cruel and unusual punishment, shall be construed in conformity
 194 | with decisions of the United States Supreme Court that ~~which~~
 195 | interpret the prohibition against cruel and unusual punishment
 196 | provided in the Eighth Amendment to the United States

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197 Constitution. Any method of execution shall be allowed, unless
 198 prohibited by the United States Constitution. Methods of
 199 execution may be designated by the legislature, and a change in
 200 any method of execution may be applied retroactively. A sentence
 201 of death shall not be reduced on the basis that a method of
 202 execution is invalid. In any case in which an execution method
 203 is declared invalid, the death sentence shall remain in force
 204 until the sentence can be lawfully executed by any valid method.
 205 This section shall apply retroactively.

206 SECTION 18. Administrative penalties.--No administrative
 207 agency, except the Department of Military Affairs in an
 208 appropriately convened court-martial action as provided by law,
 209 shall impose a sentence of imprisonment, nor shall it impose any
 210 other penalty except as provided by law.

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

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

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

222 SECTION 22. Trial by jury.--The right of trial by jury
 223 shall be secure to all and remain inviolate. The qualifications
 224 and the number of jurors, not fewer than six, shall be fixed by

225 law.

226 SECTION 23. Right of privacy.--Every natural person has
 227 the right to be let alone and free from governmental intrusion
 228 into the person's private life except as otherwise provided
 229 herein. This section shall not be construed to limit the
 230 public's right of access to public records and meetings as
 231 provided by law.

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

233 (a) Every person has the right to inspect or copy any
 234 public record made or received in connection with the official
 235 business of any public body, officer, or employee of the state,
 236 or persons acting on their behalf, except with respect to
 237 records exempted pursuant to this section or specifically made
 238 confidential by this constitution. This section specifically
 239 includes the legislative, executive, and judicial branches of
 240 government and each agency or department created thereunder;
 241 counties, municipalities, and districts; and each constitutional
 242 officer, board, and commission, or entity created pursuant to
 243 law or this constitution.

244 (b) All meetings of any collegial public body of the
 245 executive branch of state government or of any collegial public
 246 body of a county, municipality, school district, or special
 247 district, at which official acts are to be taken or at which
 248 public business of such body is to be transacted or discussed,
 249 shall be open and noticed to the public and meetings of the
 250 legislature shall be open and noticed as provided in Article
 251 III, section 4(e), except with respect to meetings exempted
 252 pursuant to this section or specifically closed by this

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253 constitution.

254 (c) This section shall be self-executing. The legislature,
 255 however, may provide by general law passed by a two-thirds vote
 256 of each house for the exemption of records from the requirements
 257 of subsection (a) and the exemption of meetings from the
 258 requirements of subsection (b), provided that such law shall
 259 state with specificity the public necessity justifying the
 260 exemption and shall be no broader than necessary to accomplish
 261 the stated purpose of the law. The legislature shall enact laws
 262 governing the enforcement of this section, including the
 263 maintenance, control, destruction, disposal, and disposition of
 264 records made public by this section, except that each house of
 265 the legislature may adopt rules governing the enforcement of
 266 this section in relation to records of the legislative branch.
 267 Laws enacted pursuant to this subsection shall contain only
 268 exemptions from the requirements of subsection ~~subsections~~ (a)
 269 or subsection (b) and provisions governing the enforcement of
 270 this section, and shall relate to one subject.

271 (d) All laws that are in effect on July 1, 1993 that limit
 272 public access to records or meetings shall remain in force, and
 273 such laws apply to records of the legislative and judicial
 274 branches, until they are repealed. Rules of court that are in
 275 effect on the date of adoption of this section that limit access
 276 to records shall remain in effect until they are repealed.

277 SECTION 25. Taxpayers' Bill of Rights.--By general law the
 278 legislature shall prescribe and adopt a Taxpayers' Bill of
 279 Rights that, in clear and concise language, sets forth
 280 taxpayers' rights and responsibilities and government's

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281 responsibilities to deal fairly with taxpayers under the laws of
 282 this state. ~~This section shall be effective July 1, 1993.~~

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

284 ~~(a) Article I, Section 26 is created to read "Claimant's~~
 285 ~~right to fair compensation." In any medical liability claim~~
 286 ~~involving a contingency fee, the claimant is entitled to receive~~
 287 ~~no less than 70% of the first \$250,000.00 in all damages~~
 288 ~~received by the claimant, exclusive of reasonable and customary~~
 289 ~~costs, whether received by judgment, settlement, or otherwise,~~
 290 ~~and regardless of the number of defendants. The claimant is~~
 291 ~~entitled to 90% of all damages in excess of \$250,000.00,~~
 292 ~~exclusive of reasonable and customary costs and regardless of~~
 293 ~~the number of defendants. This provision is self-executing and~~
 294 ~~does not require implementing legislation.~~

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

297

ARTICLE II

GENERAL PROVISIONS

298

299 SECTION 1. State boundaries.--

300
 301
 302 (a) The state boundaries are: Begin at the mouth of the
 303 Perdido River, which for the purposes of this description is
 304 defined as the point where latitude 30°16'53" north and
 305 longitude 87°31'06" west intersect; thence to the point where
 306 latitude 30°17'02" north and longitude 87°31'06" west intersect;
 307 thence to the point where latitude 30°18'00" north and longitude
 308 87°27'08" west intersect; thence to the point where the center

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309 line of the Intracoastal Canal (as the same existed on June 12,
 310 1953) and longitude 87°27'00" west intersect; the same being in
 311 the middle of the Perdido River; thence up the middle of the
 312 Perdido River to the point where it intersects the south
 313 boundary of the State of Alabama, being also the point of
 314 intersection of the middle of the Perdido River with latitude
 315 31°00'00" north; thence east, along the south boundary line of
 316 the State of Alabama, the same being latitude 31°00'00" north to
 317 the middle of the Chattahoochee River; thence down the middle of
 318 said river to its confluence with the Flint River; thence in a
 319 straight line to the head of the St. Marys River; thence down
 320 the middle of said river to the Atlantic Ocean; thence due east
 321 to the edge of the Gulf Stream or a distance of three geographic
 322 miles whichever is the greater distance; thence in a southerly
 323 direction along the edge of the Gulf Stream or along a line
 324 three geographic miles from the Atlantic coastline and three
 325 leagues distant from the Gulf of Mexico coastline, whichever is
 326 greater, to and through the Straits of Florida and westerly,
 327 including the Florida reefs, to a point due south of and three
 328 leagues from the southernmost point of the Marquesas Keys;
 329 thence westerly along a straight line to a point due south of
 330 and three leagues from Loggerhead Key, the westernmost of the
 331 Dry Tortugas Islands; thence westerly, northerly and easterly
 332 along the arc of a curve three leagues distant from Loggerhead
 333 Key to a point due north of Loggerhead Key; thence northeast
 334 along a straight line to a point three leagues from the
 335 coastline of Florida; thence northerly and westerly three
 336 leagues distant from the coastline to a point west of the mouth

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337 of the Perdido River three leagues from the coastline as
 338 measured on a line bearing south 0°01'00" west from the point of
 339 beginning; thence northerly along said line to the point of
 340 beginning. The State of Florida shall also include any
 341 additional territory within the United States adjacent to the
 342 Peninsula of Florida lying south of the St. Marys River, east of
 343 the Perdido River, and south of the States of Alabama and
 344 Georgia.

345 (b) The coastal boundaries may be extended by statute to
 346 the limits permitted by the laws of the United States or
 347 international law.

348 SECTION 2. Seat of government.--The seat of government
 349 shall be the City of Tallahassee, in Leon County, where the
 350 offices of the governor, lieutenant governor, cabinet members,
 351 and the supreme court shall be maintained and the sessions of
 352 the legislature shall be held; provided that, in time of
 353 invasion or grave emergency, the governor by proclamation may
 354 for the period of the emergency transfer the seat of government
 355 to another place.

356 SECTION 3. Branches of government.--The powers of the
 357 state government shall be divided into legislative, executive,
 358 and judicial branches. No person belonging to one branch shall
 359 exercise any powers appertaining to either of the other branches
 360 unless expressly provided herein.

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

363 SECTION 5. Public officers.--

364 (a) No person holding any office of emolument under any

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365 foreign government, or civil office of emolument under the
 366 United States or any other state, shall hold any office of honor
 367 or of emolument under the government of this state. No person
 368 shall hold at the same time more than one office under the
 369 government of the state and the counties and municipalities
 370 therein, except that a notary public or military officer may
 371 hold another office, and any officer may be a member of a
 372 constitution revision commission, taxation and budget reform
 373 commission, constitutional convention, or statutory body having
 374 only advisory powers.

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

378 "I do solemnly swear (or affirm) that I will support,
 379 protect, and defend the Constitution and Government of the
 380 United States and of the State of Florida; that I am duly
 381 qualified to hold office under the constitution of the state;
 382 and that I will well and faithfully perform the duties of
 383 (title of office) on which I am now about to enter. So help me
 384 God.",

385
 386 and thereafter shall devote personal attention to the duties of
 387 the office, and continue in office until a successor qualifies.

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

390 SECTION 6. Enemy attack.--In periods of emergency
 391 resulting from enemy attack, the legislature shall have power to
 392 provide for prompt and temporary succession to the powers and

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393 | duties of all public offices the incumbents of which may become
 394 | unavailable to execute the functions of their offices, and to
 395 | adopt such other measures as may be necessary and appropriate to
 396 | ensure ~~insure~~ the continuity of governmental operations during
 397 | the emergency. In exercising these powers, the legislature may
 398 | depart from other requirements of this constitution, but only to
 399 | the extent necessary to meet the emergency.

400 | SECTION 7. Natural resources and scenic beauty.--

401 | (a) It shall be the policy of the state to conserve and
 402 | protect its natural resources and scenic beauty. Adequate
 403 | provision shall be made by law for the abatement of air and
 404 | water pollution and of excessive and unnecessary noise and for
 405 | the conservation and protection of natural resources.

406 | (b) Those in the Everglades Agricultural Area who cause
 407 | water pollution within the Everglades Protection Area or the
 408 | Everglades Agricultural Area shall be primarily responsible for
 409 | paying the costs of the abatement of that pollution. For the
 410 | purposes of this subsection, the terms "Everglades Protection
 411 | Area" and "Everglades Agricultural Area" shall have the meanings
 412 | as defined in statutes in effect on January 1, 1996.

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

416 | (a) All elected constitutional officers and candidates for
 417 | such offices and, as may be determined by law, other public
 418 | officers, candidates, and employees shall file full and public
 419 | disclosure of their financial interests.

420 | (b) All elected public officers and candidates for such

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421 offices shall file full and public disclosure of their campaign
 422 finances.

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

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

432 (e) No member of the legislature or statewide elected
 433 officer shall personally represent another person or entity for
 434 compensation before the government body or agency of which the
 435 individual was an officer or member for a period of two years
 436 following vacation of office. No member of the legislature shall
 437 personally represent another person or entity for compensation
 438 during his or her term of office before any state agency other
 439 than judicial tribunals. Similar restrictions on other public
 440 officers and employees may be established by law.

441 (f) There shall be an independent commission to conduct
 442 investigations and make public reports on all complaints
 443 concerning breach of public trust by public officers or
 444 employees not within the jurisdiction of the judicial
 445 qualifications commission.

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

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

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

455 (1) Full and public disclosure of financial interests
 456 shall mean filing with the custodian of state records by July 1
 457 of each year a sworn statement showing net worth and identifying
 458 each asset and liability in excess of one thousand dollars
 459 ~~\$1,000~~ and its value together with one of the following:

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

462 b. A sworn statement that ~~which~~ identifies each separate
 463 source and amount of income that ~~which~~ exceeds one thousand
 464 dollars ~~\$1,000~~. The forms for such source disclosure and the
 465 rules under which they are to be filed shall be prescribed by
 466 the independent commission established in subsection (f), and
 467 such rules shall include disclosure of secondary sources of
 468 income.

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

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

474 ~~SECTION 9. English is the official language of Florida.~~

475 ~~(a) English is the official language of the State of~~
 476 ~~Florida.~~

477 ~~(b) The legislature shall have the power to enforce this~~
 478 ~~section by appropriate legislation.~~

480 ARTICLE III
 481 LEGISLATURE

483 SECTION 1. Composition.--The legislative power of the
 484 state shall be vested in a legislature of the State of Florida,
 485 consisting of a senate composed of one senator elected from each
 486 senatorial district and a house of representatives composed of
 487 one member elected from each representative district.

488 SECTION 2. Members; officers.--Each house shall be the
 489 sole judge of the qualifications, elections, and returns of its
 490 members, and shall biennially choose its officers, including a
 491 permanent presiding officer selected from its membership, who
 492 shall be designated in the senate as President of the Senate,
 493 and in the house as Speaker of the House of Representatives. The
 494 senate shall designate a Secretary to serve at its pleasure, and
 495 the house of representatives shall designate a Clerk to serve at
 496 its pleasure. The legislature shall appoint an auditor to serve
 497 at its pleasure who shall audit public records and perform
 498 related duties as prescribed by law or concurrent resolution.

499 SECTION 3. Sessions of the legislature.--

500 (a) ORGANIZATION SESSIONS.--On the fourteenth day
 501 following each general election the legislature shall convene
 502 for the exclusive purpose of organization and selection of
 503 officers.

504 (b) REGULAR SESSIONS.--A regular session of the

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505 legislature shall convene on the first Tuesday after the first
 506 Monday in March of each odd-numbered year, and on the first
 507 Tuesday after the first Monday in March, or such other date as
 508 may be fixed by law, of each even-numbered year.

509 (c) SPECIAL SESSIONS.--

510 (1) The governor, by proclamation stating the purpose, may
 511 convene the legislature in special session during which only
 512 such legislative business may be transacted as is within the
 513 purview of the proclamation, or of a communication from the
 514 governor, or is introduced by consent of two-thirds of the
 515 membership of each house.

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

518 (d) LENGTH OF SESSIONS.--A regular session of the
 519 legislature shall not exceed sixty consecutive days, and a
 520 special session shall not exceed twenty consecutive days, unless
 521 extended beyond such limit by a three-fifths vote of each house.
 522 During such an extension no new business may be taken up in
 523 either house without the consent of two-thirds of its
 524 membership.

525 (e) ADJOURNMENT.--Neither house shall adjourn for more
 526 than seventy-two consecutive hours except pursuant to concurrent
 527 resolution.

528 (f) ADJOURNMENT BY GOVERNOR.--If, during any regular or
 529 special session, the two houses cannot agree upon a time for
 530 adjournment, the governor may adjourn the session sine die or to
 531 any date within the period authorized for such session; provided
 532 that, at least twenty-four hours before adjourning the session,

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533 and while neither house is in recess, each house shall be given
 534 formal written notice of the governor's intention to do so, and
 535 agreement reached within that period by both houses on a time
 536 for adjournment shall prevail.

537 SECTION 4. Quorum and procedure.--

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

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

546 (c) Each house shall keep and publish a journal of its
 547 proceedings, + and, + upon the request of five members present, the
 548 vote of each member voting on any question shall be entered on
 549 the journal. In any legislative committee or subcommittee, the
 550 vote of each member voting on the final passage of any
 551 legislation pending before the committee, and upon the request
 552 of any two members of the committee or subcommittee, the vote of
 553 each member on any other question, shall be recorded.

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

557 (e) The rules of procedure of each house shall provide
 558 that all legislative committee and subcommittee meetings of each
 559 house, and joint conference committee meetings, shall be open
 560 and noticed to the public. The rules of procedure of each house

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561 shall further provide that all prearranged gatherings, between
 562 more than two members of the legislature, or between the
 563 governor, the president of the senate, or the speaker of the
 564 house of representatives, the purpose of which is to agree upon
 565 formal legislative action that will be taken at a subsequent
 566 time, or at which formal legislative action is taken, regarding
 567 pending legislation or amendments, shall be reasonably open to
 568 the public. All open meetings shall be subject to order and
 569 decorum. This section shall be implemented and defined by the
 570 rules of each house, and such rules shall control admission to
 571 the floor of each legislative chamber and may, where reasonably
 572 necessary for security purposes or to protect a witness
 573 appearing before a committee, provide for the closure of
 574 committee meetings. Each house shall be the sole judge for the
 575 interpretation, implementation, and enforcement of this section.

576 SECTION 5. Investigations; witnesses.--Each house, when in
 577 session, may compel attendance of witnesses and production of
 578 documents and other evidence upon any matter under investigation
 579 before it or any of its committees, and may punish by fine not
 580 exceeding one thousand dollars or imprisonment not exceeding
 581 ninety days, or both, any person not a member who has been
 582 guilty of disorderly or contemptuous conduct in its presence or
 583 has refused to obey its lawful summons or to answer lawful
 584 questions. Such powers, except the power to punish, may be
 585 conferred by law upon committees when the legislature is not in
 586 session. Punishment of contempt of an interim legislative
 587 committee shall be by judicial proceedings as prescribed by law.

588 SECTION 6. Laws.--Every law shall embrace but one subject

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589 and matter properly connected therewith, and the subject shall
 590 be briefly expressed in the title. No law shall be revised or
 591 amended by reference to its title only. Laws to revise or amend
 592 shall set out in full the revised or amended act, section,
 593 subsection, or paragraph of a subsection. The enacting clause of
 594 every law shall read: "Be It Enacted by the Legislature of the
 595 State of Florida:_"

596 SECTION 7. Passage of bills.--Any bill may originate in
 597 either house and after passage in one may be amended in the
 598 other. It shall be read in each house on three separate days,
 599 unless this rule is waived by two-thirds vote; provided the
 600 publication of its title in the journal of a house shall satisfy
 601 the requirement for the first reading in that house. On each
 602 reading, it shall be read by title only, unless one-third of the
 603 members present desire it read in full. On final passage, the
 604 vote of each member voting shall be entered on the journal.
 605 Passage of a bill shall require a majority vote in each house.
 606 Each bill and joint resolution passed in both houses shall be
 607 signed by the presiding officers of the respective houses and by
 608 the secretary of the senate and the clerk of the house of
 609 representatives during the session or as soon as practicable
 610 after its adjournment sine die.

611 SECTION 8. Executive approval and veto.--

612 (a) Every bill passed by the legislature shall be
 613 presented to the governor for approval and shall become a law if
 614 the governor approves and signs it, or fails to veto it within
 615 seven consecutive days after presentation. If during that period
 616 or on the seventh day the legislature adjourns sine die or takes

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617 a recess of more than thirty days, the governor shall have
 618 fifteen consecutive days from the date of presentation to act on
 619 the bill. In all cases except general appropriation bills, the
 620 veto shall extend to the entire bill. The governor may veto any
 621 specific appropriation in a general appropriation bill, but may
 622 not veto any qualification or restriction without also vetoing
 623 the appropriation to which it relates.

624 (b) When a bill or any specific appropriation of a general
 625 appropriation bill has been vetoed, the governor shall transmit
 626 signed objections thereto to the house in which the bill
 627 originated if in session. If that house is not in session, the
 628 governor shall file them with the custodian of state records,
 629 who shall lay them before that house at its next regular or
 630 special session, whichever occurs first, and they shall be
 631 entered on its journal. If the originating house votes to
 632 reenact ~~re-enact~~ a vetoed measure, whether in a regular or
 633 special session, and the other house does not consider or fails
 634 to reenact ~~re-enact~~ the vetoed measure, no further consideration
 635 by either house at any subsequent session may be taken. If a
 636 vetoed measure is presented at a special session and the
 637 originating house does not consider it, the measure will be
 638 available for consideration at any intervening special session
 639 and until the end of the next regular session.

640 (c) If each house shall, by a two-thirds vote, reenact ~~re-~~
 641 ~~enact~~ the bill or reinstate the vetoed specific appropriation of
 642 a general appropriation bill, the vote of each member voting
 643 shall be entered on the respective journals, and the bill shall
 644 become law or the specific appropriation reinstated, the veto

645 notwithstanding.

646 SECTION 9. Effective date of laws.--Each law shall take
 647 effect on the sixtieth day after adjournment sine die of the
 648 session of the legislature in which enacted or as otherwise
 649 provided therein. If the law is passed over the veto of the
 650 governor, it shall take effect on the sixtieth day after
 651 adjournment sine die of the session in which the veto is
 652 overridden, on a later date fixed in the law, or on a date fixed
 653 by resolution passed by both houses of the legislature.

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

660 SECTION 11. Prohibited special laws.--

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

663 (1) Election, jurisdiction, or duties of officers, except
 664 officers of municipalities, chartered counties, special
 665 districts, or local governmental agencies.†

666 (2) Assessment or collection of taxes for state or county
 667 purposes, including extension of time therefor, relief of tax
 668 officers from due performance of their duties, and relief of
 669 their sureties from liability.†

670 (3) Rules of evidence in any court.†

671 (4) Punishment for crime.†

672 (5) Petit juries, including compensation of jurors, except

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- 673 establishment of jury commissions.†
 674 (6) Change of civil or criminal venue.†
 675 (7) Conditions precedent to bringing any civil or criminal
 676 proceedings, or limitations of time therefor.†
 677 (8) Refund of money legally paid or remission of fines,
 678 penalties, or forfeitures.†
 679 (9) Creation, enforcement, extension, or impairment of
 680 liens based on private contracts, or fixing of interest rates on
 681 private contracts.†
 682 (10) Disposal of public property, including any interest
 683 therein, for private purposes.†
 684 (11) Vacation of roads.†
 685 (12) Private incorporation or grant of privilege to a
 686 private corporation.†
 687 (13) Effectuation of invalid deeds, wills, or other
 688 instruments, or change in the law of descent.†
 689 (14) Change of name of any person.†
 690 (15) Divorce.†
 691 (16) Legitimation or adoption of persons.†
 692 (17) Relief of minors from legal disabilities.†
 693 (18) Transfer of any property interest of persons under
 694 legal disabilities or of estates of decedents.†
 695 (19) Hunting or freshwater ~~fresh-water~~ fishing.†
 696 (20) Regulation of occupations which are regulated by a
 697 state agency.† ~~or~~
 698 (21) Any subject when prohibited by general law passed by
 699 a three-fifths vote of the membership of each house. Such law
 700 may be amended or repealed by like vote.

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701 (b) In the enactment of general laws on other subjects,
 702 political subdivisions or other governmental entities may be
 703 classified only on a basis reasonably related to the subject of
 704 the law.

705 SECTION 12. Appropriation bills.--Laws making
 706 appropriations for salaries of public officers and other current
 707 expenses of the state shall contain provisions on no other
 708 subject.

709 SECTION 13. Term of office.--No office shall be created
 710 the term of which shall exceed four years except as provided
 711 herein.

712 SECTION 14. Civil service system.--By law there shall be
 713 created a civil service system for state employees, except those
 714 expressly exempted, and there may be created civil service
 715 systems and boards for county, district, or municipal employees
 716 and for such offices thereof as are not elected or appointed by
 717 the governor, and there may be authorized such boards as are
 718 necessary to prescribe the qualifications, method of selection, and
 719 and tenure of such employees and officers.

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

721 (a) SENATORS.--Senators shall be elected for terms of four
 722 years, those from odd-numbered districts in the years the
 723 numbers of which are multiples of four and those from even-
 724 numbered districts in even-numbered years the numbers of which
 725 are not multiples of four; except, at the election next
 726 following a reapportionment, some senators shall be elected for
 727 terms of two years when necessary to maintain staggered terms.

728 (b) REPRESENTATIVES.--Members of the house of

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729 representatives shall be elected for terms of two years in each
 730 even-numbered year.

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

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

739 SECTION 16. Legislative apportionment.--

740 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS.--The
 741 legislature at its regular session in the second year following
 742 each decennial census, by joint resolution, shall apportion the
 743 state in accordance with the Constitution of the State of
 744 Florida and of the United States into not fewer ~~less~~ than thirty
 745 nor more than forty consecutively numbered senatorial districts
 746 of either contiguous, overlapping, or identical territory, and
 747 into not less than eighty nor more than one hundred twenty
 748 consecutively numbered representative districts of either
 749 contiguous, overlapping, or identical territory. Should that
 750 session adjourn without adopting such joint resolution, the
 751 governor by proclamation shall reconvene the legislature within
 752 thirty days in special apportionment session which shall not
 753 exceed thirty consecutive days, during which no other business
 754 shall be transacted, and it shall be the mandatory duty of the
 755 legislature to adopt a joint resolution of apportionment.

756 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL

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757 REAPPORTIONMENT.--In the event a special apportionment session
 758 of the legislature finally adjourns without adopting a joint
 759 resolution of apportionment, the attorney general shall, within
 760 five days, petition the supreme court of the state to make such
 761 apportionment. No later than the sixtieth day after the filing
 762 of such petition, the supreme court shall file with the
 763 custodian of state records an order making such apportionment.

764 (c) JUDICIAL REVIEW OF APPORTIONMENT.--Within fifteen days
 765 after the passage of the joint resolution of apportionment, the
 766 attorney general shall petition the supreme court of the state
 767 for a declaratory judgment determining the validity of the
 768 apportionment. The supreme court, in accordance with its rules,
 769 shall permit adversary interests to present their views and,
 770 within thirty days from the filing of the petition, shall enter
 771 its judgment.

772 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
 773 APPORTIONMENT SESSION.--A judgment of the supreme court of the
 774 state determining the apportionment to be valid shall be binding
 775 upon all the citizens of the state. Should the supreme court
 776 determine that the apportionment made by the legislature is
 777 invalid, the governor by proclamation shall reconvene the
 778 legislature within five days thereafter in an extraordinary
 779 apportionment session that ~~which~~ shall not exceed fifteen days,
 780 during which the legislature shall adopt a joint resolution of
 781 apportionment conforming to the judgment of the supreme court.

782 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
 783 APPORTIONMENT.--Within fifteen days after the adjournment of an
 784 extraordinary apportionment session, the attorney general shall

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785 file a petition in the supreme court of the state setting forth
 786 the apportionment resolution adopted by the legislature, or, if
 787 none has been adopted, reporting that fact to the court.
 788 Consideration of the validity of a joint resolution of
 789 apportionment shall be had as provided for in cases of such
 790 joint resolution adopted at a regular or special apportionment
 791 session.

792 (f) JUDICIAL REAPPORTIONMENT.--Should an extraordinary
 793 apportionment session fail to adopt a resolution of
 794 apportionment or should the supreme court determine that the
 795 apportionment made is invalid, the court shall, not later than
 796 sixty days after receiving the petition of the attorney general,
 797 file with the custodian of state records an order making such
 798 apportionment.

799 SECTION 17. Impeachment.--

800 (a) The governor, lieutenant governor, members of the
 801 cabinet, justices of the supreme court, judges of district
 802 courts of appeal, judges of circuit courts, and judges of county
 803 courts shall be liable to impeachment for misdemeanor in office.
 804 The house of representatives by two-thirds vote shall have the
 805 power to impeach an officer. The speaker of the house of
 806 representatives shall have power at any time to appoint a
 807 committee to investigate charges against any officer subject to
 808 impeachment.

809 (b) An officer impeached by the house of representatives
 810 shall be disqualified from performing any official duties until
 811 acquitted by the senate, and, unless impeached, the governor may
 812 by appointment fill the office until completion of the trial.

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813 (c) All impeachments by the house of representatives shall
 814 be tried by the senate. The chief justice of the supreme court,
 815 or another justice designated by the chief justice, shall
 816 preside at the trial, except in a trial of the chief justice, in
 817 which case the governor shall preside. The senate shall
 818 determine the time for the trial of any impeachment and may sit
 819 for the trial whether the house of representatives be in session
 820 or not. The time fixed for trial shall not be more than six
 821 months after the impeachment. During an impeachment trial
 822 senators shall be upon their oath or affirmation. No officer
 823 shall be convicted without the concurrence of two-thirds of the
 824 members of the senate present. Judgment of conviction in cases
 825 of impeachment shall remove the offender from office and, in the
 826 discretion of the senate, may include disqualification to hold
 827 any office of honor, trust, or profit. Conviction or acquittal
 828 shall not affect the civil or criminal responsibility of the
 829 officer.

830 ~~SECTION 18. Conflict of interest. A code of ethics for~~
 831 ~~all state employees and nonjudicial officers prohibiting~~
 832 ~~conflict between public duty and private interests shall be~~
 833 ~~prescribed by law.~~

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

836 (a) ANNUAL BUDGETING. ~~Effective July 1, 1994,~~ General law
 837 shall prescribe the adoption of annual state budgetary and
 838 planning processes and require that detail reflecting the
 839 annualized costs of the state budget and reflecting the
 840 nonrecurring costs of the budget requests shall accompany state

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841 department and agency legislative budget requests, the
 842 governor's recommended budget, and appropriation bills. For
 843 purposes of this subsection, the terms "department" and "agency"
 844 shall include the judicial branch.

845 (b) APPROPRIATION BILLS FORMAT.--Separate sections within
 846 the general appropriation bill shall be used for each major
 847 program area of the state budget; major program areas shall
 848 include: education enhancement "lottery" trust fund items;
 849 education (all other funds); human services; criminal justice
 850 and corrections; natural resources, environment, growth
 851 management, and transportation; general government; and judicial
 852 branch. Each major program area shall include an itemization of
 853 expenditures for: state operations; state capital outlay; aid to
 854 local governments and nonprofit organizations operations; aid to
 855 local governments and nonprofit organizations capital outlay;
 856 federal funds and the associated state matching funds; spending
 857 authorizations for operations; and spending authorizations for
 858 capital outlay. Additionally, appropriation bills passed by the
 859 legislature shall include an itemization of specific
 860 appropriations that exceed one million dollars ~~(\$1,000,000.00)~~
 861 in 1992 dollars. For purposes of this subsection, "specific
 862 appropriation," "itemization," and "major program area" shall be
 863 defined by law. This itemization threshold shall be adjusted by
 864 general law every four years to reflect the rate of inflation or
 865 deflation as indicated in the Consumer Price Index for All Urban
 866 Consumers, U.S. City Average, All Items, or successor reports as
 867 reported by the United States Department of Labor, Bureau of
 868 Labor Statistics or its successor. Substantive bills containing

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869 appropriations shall also be subject to the itemization
 870 requirement mandated under this provision and shall be subject
 871 to the governor's specific appropriation veto power described in
 872 Article III, section 8. ~~This subsection shall be effective July~~
 873 ~~1, 1994.~~

874 (c) APPROPRIATIONS REVIEW PROCESS. ~~Effective July 1,~~
 875 ~~1993,~~ General law shall prescribe requirements for each
 876 department and agency of state government to submit a planning
 877 document and supporting budget request for review by the
 878 appropriations committees of both houses of the legislature. The
 879 review shall include a comparison of the major issues in the
 880 planning document and budget requests to those major issues
 881 included in the governor's recommended budget. For purposes of
 882 this subsection, the terms "department" and "agency" shall
 883 include the judicial branch.

884 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. ~~All general~~
 885 appropriation bills shall be furnished to each member of the
 886 legislature, each member of the cabinet, the governor, and the
 887 chief justice of the supreme court at least seventy-two hours
 888 before final passage by either house of the legislature of the
 889 bill in the form that will be presented to the governor.

890 (e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A
 891 final budget report shall be prepared as prescribed by general
 892 law. The final budget report shall be produced no later than the
 893 ninetieth ~~90th~~ day after the beginning of the fiscal year, and
 894 copies of the report shall be furnished to each member of the
 895 legislature, the head of each department and agency of the
 896 state, the auditor general, and the chief justice of the supreme

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897 court.

898 (f) TRUST FUNDS.

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

903 (2) ~~State trust funds in existence before the effective~~
 904 ~~date of this subsection shall terminate not more than four years~~
 905 ~~after the effective date of this subsection.~~ State trust funds
 906 created after November 4, 1992, ~~the effective date of this~~
 907 ~~subsection~~ shall terminate not more than four years after the
 908 effective date of the act authorizing the creation of the trust
 909 fund. By law the legislature may set a shorter time period for
 910 which any trust fund is authorized.

911 (3) Trust funds required by federal programs or mandates;
 912 trust funds established for bond covenants, indentures, or
 913 resolutions, whose revenues are legally pledged by the state or
 914 public body to meet debt service or other financial requirements
 915 of any debt obligations of the state or any public body; the
 916 state transportation trust fund; the trust fund containing the
 917 net annual proceeds from the Florida Education Lotteries; the
 918 Florida retirement trust fund; trust funds for institutions
 919 under the management of the Board of Regents, where such trust
 920 funds are for auxiliary enterprises and contracts, grants, and
 921 donations, as those terms are defined by general law; trust
 922 funds that serve as clearing funds or accounts for the chief
 923 financial officer or state agencies; trust funds that account
 924 for assets held by the state in a trustee capacity as an agent

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925 or fiduciary for individuals, private organizations, or other
 926 governmental units; and other trust funds authorized by this
 927 constitution, are not subject to the requirements set forth in
 928 paragraph (2) ~~of this subsection.~~

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

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

934 (g) BUDGET STABILIZATION FUND. ~~--Beginning with the 1994-~~
 935 ~~1995 fiscal year, at least 1% of an amount equal to the last~~
 936 ~~completed fiscal year's net revenue collections for the general~~
 937 ~~revenue fund shall be retained in a budget stabilization fund.~~
 938 ~~The budget stabilization fund shall be increased to at least 2%~~
 939 ~~of said amount for the 1995-1996 fiscal year, at least 3% of~~
 940 ~~said amount for the 1996-1997 fiscal year, at least 4% of said~~
 941 ~~amount for the 1997-1998 fiscal year, and at least 5% of said~~
 942 ~~amount for the 1998-1999 fiscal year.~~ Subject to the provisions
 943 of this subsection, the budget stabilization fund shall be
 944 maintained at an amount equal to at least five percent 5% of the
 945 last completed fiscal year's net revenue collections for the
 946 general revenue fund. The budget stabilization fund's principal
 947 balance shall not exceed an amount equal to ten percent 10% of
 948 the last completed fiscal year's net revenue collections for the
 949 general revenue fund. The legislature shall provide criteria for
 950 withdrawing funds from the budget stabilization fund in a
 951 separate bill for that purpose only and only for the purpose of
 952 covering revenue shortfalls of the general revenue fund or for

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953 | the purpose of providing funding for an emergency, as defined by
 954 | general law. General law shall provide for the restoration of
 955 | this fund. The budget stabilization fund shall be comprised of
 956 | funds not otherwise obligated or committed for any purpose.

957 | (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
 958 | PLANNING DOCUMENT PROCESSES.--The governor shall recommend to
 959 | the legislature biennially any revisions to the state planning
 960 | document, as defined by law. General law shall require a
 961 | biennial review and revision of the state planning document,
 962 | shall require the governor to report to the legislature on the
 963 | progress in achieving the state planning document's goals, and
 964 | shall require all departments and agencies of state government
 965 | to develop planning documents consistent with the state planning
 966 | document. The state planning document and department and agency
 967 | planning documents shall remain subject to review and revision
 968 | by the legislature. The department and agency planning documents
 969 | shall include a prioritized listing of planned expenditures for
 970 | review and possible reduction in the event of revenue
 971 | shortfalls, as defined by general law. To ensure productivity
 972 | and efficiency in the executive, legislative, and judicial
 973 | branches, a quality management and accountability program shall
 974 | be implemented by general law. For the purposes of this
 975 | subsection, the terms "department" and "agency" shall include
 976 | the judicial branch. ~~This subsection shall be effective July 1,~~
 977 | ~~1993.~~

979 | ARTICLE IV

980 | EXECUTIVE

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SECTION 1. Governor.--

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

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

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

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state,

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1009 suppress insurrection, or repel invasion.

1010 (e) The governor shall by message at least once in each
 1011 regular session inform the legislature concerning the condition
 1012 of the state, propose such reorganization of the executive
 1013 department as will promote efficiency and economy, and recommend
 1014 measures in the public interest.

1015 (f) When not otherwise provided for in this constitution,
 1016 the governor shall fill by appointment any vacancy in a state or
 1017 county office for the remainder of the term of an appointive
 1018 office, and for the remainder of the term of an elective office
 1019 if less than twenty-eight months, otherwise until the first
 1020 Tuesday after the first Monday following the next general
 1021 election.

1022 SECTION 2. Lieutenant governor.--There shall be a
 1023 lieutenant governor, who shall perform such duties pertaining to
 1024 the office of governor as shall be assigned by the governor,
 1025 except when otherwise provided by law, and such other duties as
 1026 may be prescribed by law.

1027 SECTION 3. Succession to office of governor; acting
 1028 governor.--

1029 (a) Upon vacancy in the office of governor, the lieutenant
 1030 governor shall become governor. Further succession to the office
 1031 of governor shall be prescribed by law. A successor shall serve
 1032 for the remainder of the term.

1033 (b) Upon impeachment of the governor and until completion
 1034 of trial thereof, or during the governor's physical or mental
 1035 incapacity, the lieutenant governor shall act as governor.
 1036 Further succession as acting governor shall be prescribed by

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1037 law. Incapacity to serve as governor may be determined by the
 1038 supreme court upon due notice after docketing of a written
 1039 suggestion thereof by three cabinet members, and in such case
 1040 restoration of capacity shall be similarly determined after
 1041 docketing of written suggestion thereof by the governor, the
 1042 legislature, or three cabinet members. Incapacity to serve as
 1043 governor may also be established by certificate filed with the
 1044 custodian of state records by the governor declaring incapacity
 1045 for physical reasons to serve as governor, and in such case
 1046 restoration of capacity shall be similarly established.

1047 SECTION 4. Cabinet.--

1048 (a) There shall be a cabinet composed of an attorney
 1049 general, a chief financial officer, and a commissioner of
 1050 agriculture. In addition to the powers and duties specified
 1051 herein, they shall exercise such powers and perform such duties
 1052 as may be prescribed by law. In the event of a tie vote of the
 1053 governor and cabinet, the side on which the governor voted shall
 1054 be deemed to prevail.

1055 (b) The attorney general shall be the chief state legal
 1056 officer. There is created in the office of the attorney general
 1057 the position of statewide prosecutor. The statewide prosecutor
 1058 shall have concurrent jurisdiction with the state attorneys to
 1059 prosecute violations of criminal laws occurring or having
 1060 occurred, in two or more judicial circuits as part of a related
 1061 transaction, or when any such offense is affecting or has
 1062 affected two or more judicial circuits as provided by general
 1063 law. The statewide prosecutor shall be appointed by the attorney
 1064 general from not fewer ~~less~~ than three persons nominated by the

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1065 judicial nominating commission for the supreme court, or as
 1066 otherwise provided by general law.

1067 (c) The chief financial officer shall serve as the chief
 1068 fiscal officer of the state, ~~and~~ shall settle and approve
 1069 accounts against the state, and shall keep all state funds and
 1070 securities.

1071 (d) The commissioner of agriculture shall have supervision
 1072 of matters pertaining to agriculture except as otherwise
 1073 provided by law.

1074 (e) The governor as chair, the chief financial officer,
 1075 and the attorney general shall constitute the state board of
 1076 administration, which shall succeed to all the power, control,
 1077 and authority of the state board of administration established
 1078 pursuant to Article IX, section 16 of the constitution of 1885,
 1079 and which shall continue as a body at least for the life of
 1080 Article XII, section 7(c) ~~9(e)~~.

1081 (f) The governor as chair, the chief financial officer,
 1082 the attorney general, and the commissioner of agriculture shall
 1083 constitute the trustees of the internal improvement trust fund
 1084 and the land acquisition trust fund as provided by law.

1085 (g) The governor as chair, the chief financial officer,
 1086 the attorney general, and the commissioner of agriculture shall
 1087 constitute the agency head of the Department of Law Enforcement.

1088 SECTION 5. Election of governor, lieutenant governor, and
 1089 cabinet members; qualifications; terms.--

1090 (a) At a statewide ~~state-wide~~ general election in each
 1091 calendar year the number of which is even but not a multiple of
 1092 four, the electors shall choose a governor and a lieutenant

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1093 | governor and members of the cabinet each for a term of four
 1094 | years beginning on the first Tuesday after the first Monday in
 1095 | January of the succeeding year. In primary elections, candidates
 1096 | for the office of governor may choose to run without a
 1097 | lieutenant governor candidate. In the general election, all
 1098 | candidates for the offices of governor and lieutenant governor
 1099 | shall form joint candidacies in a manner prescribed by law so
 1100 | that each voter shall cast a single vote for a candidate for
 1101 | governor and a candidate for lieutenant governor running
 1102 | together.

1103 | (b) When elected, the governor, lieutenant governor, and
 1104 | each cabinet member must be an elector not less than thirty
 1105 | years of age who has resided in the state for the preceding
 1106 | seven years. The attorney general must have been a member of the
 1107 | bar of Florida for the preceding five years. No person who has,
 1108 | or but for resignation would have, served as governor or acting
 1109 | governor for more than six years in two consecutive terms shall
 1110 | be elected governor for the succeeding term.

1111 | SECTION 6. Executive departments.--All functions of the
 1112 | executive branch of state government shall be allotted among not
 1113 | more than twenty-five departments, exclusive of those
 1114 | specifically provided for or authorized in this constitution.
 1115 | The administration of each department, unless otherwise provided
 1116 | in this constitution, shall be placed by law under the direct
 1117 | supervision of the governor, the lieutenant governor, the
 1118 | governor and cabinet, a cabinet member, or an officer or board
 1119 | appointed by and serving at the pleasure of the governor,
 1120 | except:

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1121 (a) When provided by law, confirmation by the senate or
 1122 the approval of three members of the cabinet shall be required
 1123 for appointment to or removal from any designated statutory
 1124 office.

1125 (b) Boards authorized to grant and revoke licenses to
 1126 engage in regulated occupations shall be assigned to appropriate
 1127 departments and their members appointed for fixed terms, subject
 1128 to removal only for cause.

1129 SECTION 7. Suspensions; filling office during
 1130 suspensions.--

1131 (a) By executive order stating the grounds and filed with
 1132 the custodian of state records, the governor may suspend from
 1133 office any state officer not subject to impeachment, any officer
 1134 of the militia not in the active service of the United States,
 1135 or any county officer, for malfeasance, misfeasance, neglect of
 1136 duty, drunkenness, incompetence, permanent inability to perform
 1137 official duties, or commission of a felony, and may fill the
 1138 office by appointment for the period of suspension. The
 1139 suspended officer may at any time before removal be reinstated
 1140 by the governor.

1141 (b) The senate may, in proceedings prescribed by law,
 1142 remove from office or reinstate the suspended official and for
 1143 such purpose the senate may be convened in special session by
 1144 its president or by a majority of its membership.

1145 (c) By order of the governor, any elected municipal
 1146 officer indicted for a crime may be suspended from office until
 1147 acquitted and the office filled by appointment for the period of
 1148 suspension, not to extend beyond the term, unless these powers

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1149 are vested elsewhere by law or the municipal charter.

1150 SECTION 8. Clemency.--

1151 (a) Except in cases of treason and in cases where
 1152 impeachment results in conviction, the governor may, by
 1153 executive order filed with the custodian of state records,
 1154 suspend collection of fines and forfeitures, grant reprieves not
 1155 exceeding sixty days and, with the approval of two members of
 1156 the cabinet, grant full or conditional pardons, restore civil
 1157 rights, commute punishment, and remit fines and forfeitures for
 1158 offenses.

1159 (b) In cases of treason, the governor may grant reprieves
 1160 until adjournment of the regular session of the legislature
 1161 convening next after the conviction, at which session the
 1162 legislature may grant a pardon or further reprieve; otherwise
 1163 the sentence shall be executed.

1164 (c) There may be created by law a parole and probation
 1165 commission with power to supervise persons on probation and to
 1166 grant paroles or conditional releases to persons under sentences
 1167 for crime. The qualifications, method of selection and terms,
 1168 not to exceed six years, of members of the commission shall be
 1169 prescribed by law.

1170 SECTION 9. Fish and wildlife conservation
 1171 commission.--There shall be a fish and wildlife conservation
 1172 commission, composed of seven members appointed by the governor,
 1173 subject to confirmation by the senate for staggered terms of
 1174 five years. The commission shall exercise the regulatory and
 1175 executive powers of the state with respect to wild animal life
 1176 and freshwater ~~fresh-water~~ aquatic life, and shall also exercise

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1177 regulatory and executive powers of the state with respect to
 1178 marine life, except that all license fees for taking wild animal
 1179 life, freshwater ~~fresh-water~~ aquatic life, and marine life and
 1180 penalties for violating regulations of the commission shall be
 1181 prescribed by general law. The commission shall establish
 1182 procedures to ensure adequate due process in the exercise of its
 1183 regulatory and executive functions. The legislature may enact
 1184 laws in aid of the commission, not inconsistent with this
 1185 section, except that there shall be no special law or general
 1186 law of local application pertaining to hunting or fishing. The
 1187 commission's exercise of executive powers in the area of
 1188 planning, budgeting, personnel management, and purchasing shall
 1189 be as provided by law. Revenue derived from license fees for the
 1190 taking of wild animal life and freshwater ~~fresh-water~~ aquatic
 1191 life shall be appropriated to the commission by the legislature
 1192 for the purposes of management, protection, and conservation of
 1193 wild animal life and freshwater ~~fresh-water~~ aquatic life.
 1194 Revenue derived from license fees relating to marine life shall
 1195 be appropriated by the legislature for the purposes of
 1196 management, protection, and conservation of marine life as
 1197 provided by law. The commission shall not be a unit of any other
 1198 state agency and shall have its own staff, which includes
 1199 management, research, and enforcement. Unless provided by
 1200 general law, the commission shall have no authority to regulate
 1201 matters relating to air and water pollution.

1202 SECTION 10. Attorney General.--The attorney general shall,
 1203 as directed by general law, request the opinion of the justices
 1204 of the supreme court as to the validity of any initiative

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1205 petition circulated pursuant to Article XI, section 3 ~~of Article~~
 1206 ~~XI~~. The justices shall, subject to their rules of procedure,
 1207 permit interested persons to be heard on the questions presented
 1208 and shall render their written opinion no later than April 1 of
 1209 the year in which the initiative is to be submitted to the
 1210 voters pursuant to Article XI, section 5 ~~of Article XI~~.

1211 SECTION 11. Department of Veterans Affairs.--The
 1212 legislature, by general law, may provide for the establishment
 1213 of the Department of Veterans Affairs.

1214 SECTION 12. Department of Elderly Affairs.--The
 1215 legislature may create a Department of Elderly Affairs and
 1216 prescribe its duties. The provisions governing the
 1217 administration of the department must comply with Article IV,
 1218 section 6 ~~of Article IV of the State Constitution~~.

1219 SECTION 13. Revenue Shortfalls.--In the event of revenue
 1220 shortfalls, as defined by general law, the governor and cabinet
 1221 may establish all necessary reductions in the state budget in
 1222 order to comply with the provisions of Article VII, section
 1223 1(d). The governor and cabinet shall implement all necessary
 1224 reductions for the executive budget, the chief justice of the
 1225 supreme court shall implement all necessary reductions for the
 1226 judicial budget, and the speaker of the house of representatives
 1227 and the president of the senate shall implement all necessary
 1228 reductions for the legislative budget. Budget reductions
 1229 pursuant to this section shall be consistent with the provisions
 1230 of Article III, section 18(h) ~~19(h)~~.

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1232

ARTICLE V

JUDICIARY

SECTION 1. Courts.--The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, and county courts. No other courts may be established by the state, any political subdivision, or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines.

Commissions established by law, or administrative officers or bodies, may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish, by general law, a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. The legislature may, by general law, authorize a military court-martial to be conducted by military judges of the Florida National Guard, with direct appeal of a decision to the District Court of Appeal, First District.

SECTION 2. Administration; practice and procedure.--

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory

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1261 opinion. Rules of court may be repealed by general law enacted
 1262 by two-thirds vote of the membership of each house of the
 1263 legislature.

1264 (b) The chief justice of the supreme court shall be chosen
 1265 by a majority of the members of the court; shall be the chief
 1266 administrative officer of the judicial system; and shall have
 1267 the power to assign justices or judges, including consenting
 1268 retired justices or judges, to temporary duty in any court for
 1269 which the judge is qualified and to delegate to a chief judge of
 1270 a judicial circuit the power to assign judges for duty in that
 1271 circuit.

1272 (c) A chief judge for each district court of appeal shall
 1273 be chosen by a majority of the judges thereof or, if there is no
 1274 majority, by the chief justice. The chief judge shall be
 1275 responsible for the administrative supervision of the court.

1276 (d) A chief judge in each circuit shall be chosen from
 1277 among the circuit judges as provided by supreme court rule. The
 1278 chief judge shall be responsible for the administrative
 1279 supervision of the circuit courts and county courts in his or
 1280 her circuit.

1281 SECTION 3. Supreme court.--

1282 (a) ORGANIZATION.--The supreme court shall consist of
 1283 seven justices. Of the seven justices, each appellate district
 1284 shall have at least one justice elected or appointed from the
 1285 district to the supreme court who is a resident of the district
 1286 at the time of the original appointment or election. Five
 1287 justices shall constitute a quorum. The concurrence of four
 1288 justices shall be necessary to a decision. When recusals for

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1289 | cause would prohibit the court from convening because of the
 1290 | requirements of this section, judges assigned to temporary duty
 1291 | may be substituted for justices.

1292 | (b) JURISDICTION.--The supreme court:

1293 | (1) Shall hear appeals from final judgments of trial
 1294 | courts imposing the death penalty and from decisions of district
 1295 | courts of appeal declaring invalid a state statute or a
 1296 | provision of the state constitution.

1297 | (2) When provided by general law, shall hear appeals from
 1298 | final judgments entered in proceedings for the validation of
 1299 | bonds or certificates of indebtedness and shall review action of
 1300 | statewide agencies relating to rates or service of utilities
 1301 | providing electric, gas, or telephone service.

1302 | (3) May review any decision of a district court of appeal
 1303 | that expressly declares valid a state statute, or that expressly
 1304 | construes a provision of the state or federal constitution, or
 1305 | that expressly affects a class of constitutional or state
 1306 | officers, or that expressly and directly conflicts with a
 1307 | decision of another district court of appeal or of the supreme
 1308 | court on the same question of law.

1309 | (4) May review any decision of a district court of appeal
 1310 | that passes upon a question certified by it to be of great
 1311 | public importance, or that is certified by it to be in direct
 1312 | conflict with a decision of another district court of appeal.

1313 | (5) May review any order or judgment of a trial court
 1314 | certified by the district court of appeal, in which an appeal is
 1315 | pending, to be of great public importance, or to have a great
 1316 | effect on the proper administration of justice throughout the

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1317 state, and certified to require immediate resolution by the
 1318 supreme court.

1319 (6) May review a question of law certified by the Supreme
 1320 Court of the United States or a United States Court of Appeals
 1321 which is determinative of the cause and for which there is no
 1322 controlling precedent of the supreme court of Florida.

1323 (7) May issue writs of prohibition to courts and all writs
 1324 necessary to the complete exercise of its jurisdiction.

1325 (8) May issue writs of mandamus and quo warranto to state
 1326 officers and state agencies.

1327 (9) May, or any justice may, issue writs of habeas corpus
 1328 returnable before the supreme court or any justice, a district
 1329 court of appeal or any judge thereof, or any circuit judge.

1330 (10) Shall, when requested by the attorney general
 1331 pursuant to the provisions of Article IV, section 10 ~~of Article~~
 1332 ~~IV~~, render an advisory opinion of the justices, addressing
 1333 issues as provided by general law.

1334 (c) CLERK AND MARSHAL.--The supreme court shall appoint a
 1335 clerk and a marshal who shall hold office at ~~during~~ the pleasure
 1336 of the court and perform such duties as the court directs. Their
 1337 compensation shall be fixed by general law. The marshal shall
 1338 have the power to execute the process of the court throughout
 1339 the state, and in any county may deputize the sheriff or a
 1340 deputy sheriff for such purpose.

1341 SECTION 4. District courts of appeal.--

1342 (a) ORGANIZATION.--There shall be a district court of
 1343 appeal serving each appellate district. Each district court of
 1344 appeal shall consist of at least three judges. Three judges

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1345 shall consider each case and the concurrence of two shall be
 1346 necessary to a decision.

1347 (b) JURISDICTION.--

1348 (1) District courts of appeal shall have jurisdiction to
 1349 hear appeals, that may be taken as a matter of right, from final
 1350 judgments or orders of trial courts, including those entered on
 1351 review of administrative action, not directly appealable to the
 1352 supreme court or a circuit court. They may review interlocutory
 1353 orders in such cases to the extent provided by rules adopted by
 1354 the supreme court.

1355 (2) District courts of appeal shall have the power of
 1356 direct review of administrative action, as prescribed by general
 1357 law.

1358 (3) A district court of appeal or any judge thereof may
 1359 issue writs of habeas corpus returnable before the court or any
 1360 judge thereof or before any circuit judge within the territorial
 1361 jurisdiction of the court. A district court of appeal may issue
 1362 writs of mandamus, certiorari, prohibition, quo warranto, and
 1363 other writs necessary to the complete exercise of its
 1364 jurisdiction. To the extent necessary to dispose of all issues
 1365 in a cause properly before it, a district court of appeal may
 1366 exercise any of the appellate jurisdiction of the circuit
 1367 courts.

1368 (c) CLERKS AND MARSHALS.--Each district court of appeal
 1369 shall appoint a clerk and a marshal who shall hold office during
 1370 the pleasure of the court and perform such duties as the court
 1371 directs. Their compensation shall be fixed by general law. The
 1372 marshal shall have the power to execute the process of the court

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1373 throughout the territorial jurisdiction of the court, and in any
 1374 county may deputize the sheriff or a deputy sheriff for such
 1375 purpose.

1376 SECTION 5. Circuit courts.--

1377 (a) ORGANIZATION.--There shall be a circuit court serving
 1378 each judicial circuit.

1379 (b) JURISDICTION.--The circuit courts shall have original
 1380 jurisdiction not vested in the county courts, and jurisdiction
 1381 of appeals when provided by general law. They shall have the
 1382 power to issue writs of mandamus, quo warranto, certiorari,
 1383 prohibition, and habeas corpus, and all writs necessary or
 1384 proper to the complete exercise of their jurisdiction.
 1385 Jurisdiction of the circuit courts ~~court~~ shall be uniform
 1386 throughout the state. They shall have the power of direct review
 1387 of administrative action prescribed by general law.

1388 SECTION 6. County courts.--

1389 (a) ORGANIZATION.--There shall be a county court in each
 1390 county. There shall be one or more judges for each county court
 1391 as prescribed by general law.

1392 (b) JURISDICTION.--The county courts shall exercise the
 1393 jurisdiction prescribed by general law. Such jurisdiction shall
 1394 be uniform throughout the state.

1395 SECTION 7. Specialized divisions.--All courts except the
 1396 supreme court may sit in divisions as may be established by
 1397 general law. A circuit or county court may hold civil and
 1398 criminal trials and hearings in any place within the territorial
 1399 jurisdiction of the court as designated by the chief judge of
 1400 the circuit.

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1401 SECTION 8. Eligibility.--No person shall be eligible for
 1402 office of justice or judge of any court unless the person is an
 1403 elector of the state and resides in the territorial jurisdiction
 1404 of the court. No justice or judge shall serve after attaining
 1405 the age of seventy years except upon temporary assignment or to
 1406 complete a term, one-half of which has been served. No person is
 1407 eligible for the office of justice of the supreme court or judge
 1408 of a district court of appeal unless the person is, and has been
 1409 for the preceding ten years, a member of the bar of Florida. No
 1410 person is eligible for the office of circuit judge unless the
 1411 person is, and has been for the preceding five years, a member
 1412 of the bar of Florida. Unless otherwise provided by general law,
 1413 no person is eligible for the office of county court judge
 1414 unless the person is, and has been for the preceding five years,
 1415 a member of the bar of Florida. Unless otherwise provided by
 1416 general law, a person shall be eligible for election or
 1417 appointment to the office of county court judge in a county
 1418 having a population of 40,000 or fewer ~~less~~ if the person is a
 1419 member in good standing of the bar of Florida.

1420 SECTION 9. Determination of number of judges.--The supreme
 1421 court shall establish by rule uniform criteria for the
 1422 determination of the need for additional judges except supreme
 1423 court justices, the necessity for decreasing the number of
 1424 judges and for increasing, decreasing, or redefining appellate
 1425 districts and judicial circuits. If the supreme court finds that
 1426 a need exists for increasing or decreasing the number of judges
 1427 or increasing, decreasing, or redefining appellate districts and
 1428 judicial circuits, it shall, prior to the next regular session

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1429 of the legislature, certify to the legislature its findings and
 1430 recommendations concerning such need. Upon receipt of such
 1431 certificate, the legislature, at the next regular session, shall
 1432 consider the findings and recommendations and may reject the
 1433 recommendations or by law implement the recommendations in whole
 1434 or in part; provided the legislature may create more judicial
 1435 offices than are recommended by the supreme court or may
 1436 decrease the number of judicial offices by a greater number than
 1437 recommended by the court only upon a finding of two-thirds of
 1438 the membership of both houses of the legislature, that such a
 1439 need exists. A decrease in the number of judges shall be
 1440 effective only after the expiration of a term. If the supreme
 1441 court fails to make findings as provided above when need exists,
 1442 the legislature may by concurrent resolution request the court
 1443 to certify its findings and recommendations and upon the failure
 1444 of the court to certify its findings for nine consecutive
 1445 months, the legislature may, upon a finding of two-thirds of the
 1446 membership of both houses of the legislature that a need exists,
 1447 increase or decrease the number of judges or increase, decrease,
 1448 or redefine appellate districts and judicial circuits.

1449 SECTION 10. Retention; election and terms.--

1450 (a) Any justice or judge may qualify for retention by a
 1451 vote of the electors in the general election next preceding the
 1452 expiration of the justice's or judge's term in the manner
 1453 prescribed by law. If a justice or judge is ineligible or fails
 1454 to qualify for retention, a vacancy shall exist in that office
 1455 upon the expiration of the term being served by the justice or
 1456 judge. When a justice or judge so qualifies, the ballot shall

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1457 read substantially as follows: "Shall Justice (or Judge) (name
 1458 of justice or judge) of the (name of the court) be
 1459 retained in office?" If a majority of the qualified electors
 1460 voting within the territorial jurisdiction of the court vote to
 1461 retain, the justice or judge shall be retained for a term of six
 1462 years. The term of the justice or judge retained shall commence
 1463 on the first Tuesday after the first Monday in January following
 1464 the general election. If a majority of the qualified electors
 1465 voting within the territorial jurisdiction of the court vote to
 1466 not retain, a vacancy shall exist in that office upon the
 1467 expiration of the term being served by the justice or judge.

1468 (b) (1) The election of circuit judges shall be preserved
 1469 notwithstanding the provisions of subsection (a) unless a
 1470 majority of those voting in the jurisdiction of that circuit
 1471 approves a local option to select circuit judges by merit
 1472 selection and retention rather than by election. The election of
 1473 circuit judges shall be by a vote of the qualified electors
 1474 within the territorial jurisdiction of the court.

1475 (2) The election of county court judges shall be preserved
 1476 notwithstanding the provisions of subsection (a) unless a
 1477 majority of those voting in the jurisdiction of that county
 1478 approves a local option to select county judges by merit
 1479 selection and retention rather than by election. The election of
 1480 county court judges shall be by a vote of the qualified electors
 1481 within the territorial jurisdiction of the court.

1482 (3)a. ~~A vote to exercise a local option to select circuit~~
 1483 ~~court judges and county court judges by merit selection and~~
 1484 ~~retention rather than by election shall be held in each circuit~~

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1485 ~~and county at the general election in the year 2000.~~ If a vote
 1486 to exercise the this local option to select circuit court judges
 1487 and county court judges by merit selection and retention rather
 1488 than by election fails in a vote of the electors, such option
 1489 shall not again be put to a vote of the electors of that
 1490 jurisdiction until the expiration of at least two years.

1491 b. ~~After the year 2000,~~ A circuit may initiate the local
 1492 option for merit selection and retention or the election of
 1493 circuit judges, whichever is applicable, by filing with the
 1494 custodian of state records a petition signed by the number of
 1495 electors equal to at least ten percent of the votes cast in the
 1496 circuit in the last preceding election in which presidential
 1497 electors were chosen.

1498 c. ~~After the year 2000,~~ A county may initiate the local
 1499 option for merit selection and retention or the election of
 1500 county court judges, whichever is applicable, by filing with the
 1501 supervisor of elections a petition signed by the number of
 1502 electors equal to at least ten percent of the votes cast in the
 1503 county in the last preceding election in which presidential
 1504 electors were chosen. The terms of circuit judges and judges of
 1505 county courts shall be for six years.

1506 SECTION 11. Vacancies.--

1507 (a) Whenever a vacancy occurs in a judicial office to
 1508 which election for retention applies, the governor shall fill
 1509 the vacancy by appointing for a term ending on the first Tuesday
 1510 after the first Monday in January of the year following the next
 1511 general election occurring at least one year after the date of
 1512 appointment, one of not fewer than three persons nor more than

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1513 six persons nominated by the appropriate judicial nominating
 1514 commission.

1515 (b) The governor shall fill each vacancy on a circuit
 1516 court or on a county court, wherein the judges are elected by a
 1517 majority vote of the electors, by appointing for a term ending
 1518 on the first Tuesday after the first Monday in January of the
 1519 year following the next primary and general election occurring
 1520 at least one year after the date of appointment, one of not
 1521 fewer than three persons nor more than six persons nominated by
 1522 the appropriate judicial nominating commission. An election
 1523 shall be held to fill that judicial office for the term of the
 1524 office beginning at the end of the appointed term.

1525 (c) The nominations shall be made within thirty days from
 1526 the occurrence of a vacancy unless the period is extended by the
 1527 governor for a time not to exceed thirty days. The governor
 1528 shall make the appointment within sixty days after the
 1529 nominations have been certified to the governor.

1530 (d) There shall be a separate judicial nominating
 1531 commission as provided by general law for the supreme court,
 1532 each district court of appeal, and each judicial circuit for all
 1533 trial courts within the circuit. Uniform rules of procedure
 1534 shall be established by the judicial nominating commissions at
 1535 each level of the court system. Such rules, or any part thereof,
 1536 may be repealed by general law enacted by a majority vote of the
 1537 membership of each house of the legislature, or by the supreme
 1538 court, five justices concurring. Except for deliberations of the
 1539 judicial nominating commissions, the proceedings of the
 1540 commissions and their records shall be open to the public.

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1541 SECTION 12. Discipline; removal and retirement.--
 1542 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial
 1543 qualifications commission is created.
 1544 (1) There shall be a judicial qualifications commission
 1545 vested with jurisdiction to investigate and recommend to the
 1546 Supreme Court of Florida the removal from office of any justice
 1547 or judge whose conduct, during term of office or otherwise
 1548 occurring, ~~on or after November 1, 1966, (without regard to the~~
 1549 ~~effective date of this section)~~ demonstrates a present unfitness
 1550 to hold office, and to investigate and recommend the discipline
 1551 of a justice or judge whose conduct, during term of office or
 1552 otherwise occurring ~~on or after November 1, 1966 (without regard~~
 1553 ~~to the effective date of this section)~~, warrants such
 1554 discipline. For purposes of this section the term, "discipline"
 1555 is defined as any or all of the following: reprimand, fine,
 1556 suspension with or without pay, or lawyer discipline. The
 1557 commission shall have jurisdiction over justices and judges
 1558 regarding allegations that misconduct occurred before or during
 1559 service as a justice or judge if a complaint is made no later
 1560 than one year following service as a justice or judge. The
 1561 commission shall have jurisdiction regarding allegations of
 1562 incapacity during service as a justice or judge. The commission
 1563 shall be composed of:
 1564 a. Two judges of district courts of appeal selected by the
 1565 judges of those courts, two circuit judges selected by the
 1566 judges of the circuit courts and, two judges of county courts
 1567 selected by the judges of those courts;
 1568 b. Four electors who reside in the state, who are members

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1569 of the bar of Florida, and who shall be chosen by the governing
 1570 body of the bar of Florida; and

1571 c. Five electors who reside in the state, who have never
 1572 held judicial office or been members of the bar of Florida, and
 1573 who shall be appointed by the governor.

1574 (2) The members of the judicial qualifications commission
 1575 shall serve staggered terms, not to exceed six years, as
 1576 prescribed by general law. No member of the commission except a
 1577 judge shall be eligible for state judicial office while acting
 1578 as a member of the commission and for a period of two years
 1579 thereafter. No member of the commission shall hold office in a
 1580 political party or participate in any campaign for judicial
 1581 office or hold public office; provided that a judge may campaign
 1582 for judicial office and hold that office. The commission shall
 1583 elect one of its members as its chair ~~chairperson~~.

1584 (3) Members of the judicial qualifications commission who
 1585 are not subject to impeachment shall be subject to removal from
 1586 the commission pursuant to the provisions of Article IV, section
 1587 ~~7, Florida Constitution~~.

1588 (4) The commission shall adopt rules regulating its
 1589 proceedings, the filling of vacancies by the appointing
 1590 authorities, the disqualification of members, the rotation of
 1591 members between the panels, and the temporary replacement of
 1592 disqualified or incapacitated members. The commission's rules,
 1593 or any part thereof, may be repealed by general law enacted by a
 1594 majority vote of the membership of each house of the
 1595 legislature, or by the supreme court, five justices concurring.
 1596 The commission shall have power to issue subpoenas. Until formal

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1597 | charges against a justice or judge are filed by the
 1598 | investigative panel with the clerk of the supreme court of
 1599 | Florida all proceedings by or before the commission shall be
 1600 | confidential; provided, however, upon a finding of probable
 1601 | cause and the filing by the investigative panel with said clerk
 1602 | of such formal charges against a justice or judge such charges
 1603 | and all further proceedings before the commission shall be
 1604 | public.

1605 | (5) The commission shall have access to all information
 1606 | from all executive, legislative, and judicial agencies,
 1607 | including grand juries, subject to the rules of the commission.
 1608 | At any time, on request of the speaker of the house of
 1609 | representatives or the governor, the commission shall make
 1610 | available all information in the possession of the commission
 1611 | for use in consideration of impeachment or suspension,
 1612 | respectively.

1613 | (b) PANELS.--The commission shall be divided into an
 1614 | investigative panel and a hearing panel as established by rule
 1615 | of the commission. The investigative panel is vested with the
 1616 | jurisdiction to receive or initiate complaints, conduct
 1617 | investigations, dismiss complaints, and upon a vote of a simple
 1618 | majority of the panel submit formal charges to the hearing
 1619 | panel. The hearing panel is vested with the authority to receive
 1620 | and hear formal charges from the investigative panel and upon a
 1621 | two-thirds vote of the panel recommend to the supreme court the
 1622 | removal of a justice or judge or the involuntary retirement of a
 1623 | justice or judge for any permanent disability that seriously
 1624 | interferes with the performance of judicial duties. Upon a

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1625 simple majority vote of the membership of the hearing panel, the
 1626 panel may recommend to the supreme court that the justice or
 1627 judge be subject to appropriate discipline.

1628 (c) SUPREME COURT.--The supreme court shall receive
 1629 recommendations from the judicial qualifications commission's
 1630 hearing panel.

1631 (1) The supreme court may accept, reject, or modify in
 1632 whole or in part the findings, conclusions, and recommendations
 1633 of the commission and it may order that the justice or judge be
 1634 subjected to appropriate discipline, or be removed from office
 1635 with termination of compensation for willful or persistent
 1636 failure to perform judicial duties or for other conduct
 1637 unbecoming a member of the judiciary demonstrating a present
 1638 unfitness to hold office, or be involuntarily retired for any
 1639 permanent disability that seriously interferes with the
 1640 performance of judicial duties. Mala fides ~~Malafides~~, scienter,
 1641 or moral turpitude on the part of a justice or judge shall not
 1642 be required for removal from office of a justice or judge whose
 1643 conduct demonstrates a present unfitness to hold office. After
 1644 the filing of a formal proceeding and upon request of the
 1645 investigative panel, the supreme court may suspend the justice
 1646 or judge from office, with or without compensation, pending
 1647 final determination of the inquiry.

1648 (2) The supreme court may award costs to the prevailing
 1649 party.

1650 (d) The power of removal conferred by this section shall
 1651 be both alternative and cumulative to the power of impeachment.

1652 (e) Notwithstanding subsections (a)-(d) ~~any of the~~

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1653 ~~foregoing provisions of this section,~~ if the person who is the
 1654 subject of proceedings by the judicial qualifications commission
 1655 is a justice of the supreme court, ~~of Florida~~ all justices of
 1656 the supreme ~~such~~ court are automatically ~~shall be~~ disqualified
 1657 to sit as supreme court justices for any ~~of such court with~~
 1658 ~~respect to all~~ proceedings ~~therein~~ concerning him or her. ~~such~~
 1659 ~~person and~~ The supreme court for such purposes shall be composed
 1660 of a panel consisting of the seven chief judges of the judicial
 1661 circuits of this ~~the~~ state ~~of Florida~~ most senior in tenure of
 1662 judicial office as circuit judge. For purposes of determining
 1663 seniority of such circuit judges in the event there be judges of
 1664 equal tenure in judicial office as circuit judge, the judge or
 1665 judges from the lower numbered circuit or circuits shall be
 1666 deemed senior. In the event any such chief circuit judge is
 1667 under investigation by the judicial qualifications commission or
 1668 is otherwise disqualified or unable to serve on the panel, the
 1669 next most senior chief circuit judge or judges shall serve in
 1670 place of such disqualified or disabled chief circuit judge.

1671 (f) SCHEDULE TO SECTION 12.--

1672 (1) Except to the extent inconsistent with the provisions
 1673 of this section, all provisions of law and rules of court in
 1674 force on the effective date of this article shall continue in
 1675 effect until superseded in the manner authorized by this ~~the~~
 1676 constitution.

1677 (2) After this section becomes effective and until adopted
 1678 by rule of the commission consistent with it:

1679 a. The commission shall be divided, as determined by the
 1680 chairperson, into one investigative panel and one hearing panel

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1681 to meet the responsibilities set forth in this section.
 1682 b. The investigative panel shall be composed of:
 1683 1. Four judges,
 1684 2. Two members of the bar of Florida, and
 1685 3. Three non-lawyers.
 1686 c. The hearing panel shall be composed of:
 1687 1. Two judges,
 1688 2. Two members of the bar of Florida, and
 1689 3. Two non-lawyers.
 1690 d. Membership on the panels may rotate in a manner
 1691 determined by the rules of the commission provided that no
 1692 member shall vote as a member of the investigative and hearing
 1693 panel on the same proceeding.
 1694 e. The commission shall hire separate staff for each
 1695 panel.
 1696 f. The members of the commission shall serve for staggered
 1697 terms of six years.
 1698 ~~g. The terms of office of the present members of the~~
 1699 ~~judicial qualifications commission shall expire upon the~~
 1700 ~~effective date of the amendments to this section approved by the~~
 1701 ~~legislature during the regular session of the legislature in~~
 1702 ~~1996 and new members shall be appointed to serve the following~~
 1703 ~~staggered terms:~~
 1704 ~~1. Group I. The terms of five members, composed of two~~
 1705 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~
 1706 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~
 1707 ~~V, one judge from the district courts of appeal and one circuit~~
 1708 ~~judge as set forth in s. 12(a)(1)a. of Article V, shall expire~~

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1709 ~~on December 31, 1998.~~

1710 ~~2. Group II. The terms of five members, composed of one~~
 1711 ~~elector as set forth in s. 12(a)(1)c. of Article V, two members~~
 1712 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~
 1713 ~~V, one circuit judge and one county judge as set forth in s.~~
 1714 ~~12(a)(1)a. of Article V shall expire on December 31, 2000.~~

1715 ~~3. Group III. The terms of five members, composed of two~~
 1716 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~
 1717 ~~of the bar of Florida as set forth in s. 12(a)(1)b., one judge~~
 1718 ~~from the district courts of appeal and one county judge as set~~
 1719 ~~forth in s. 12(a)(1)a. of Article V, shall expire on December~~
 1720 ~~31, 2002.~~

1721 g.h. An appointment to fill a vacancy of the commission
 1722 shall be for the remainder of the term.

1723 h.i. Selection of members by district courts of appeal
 1724 judges, circuit judges, and county court judges, shall be by no
 1725 less than a majority of the members voting at the respective
 1726 courts' conferences. Selection of members by the board of
 1727 governors of the bar of Florida shall be by no less than a
 1728 majority of the board.

1729 i.j. The commission shall be entitled to recover the costs
 1730 of investigation and prosecution, in addition to any penalty
 1731 levied by the supreme court.

1732 j.k. The compensation of members and referees shall be the
 1733 travel expenses or transportation and per diem allowance as
 1734 provided by general law.

1735 SECTION 13. Prohibited activities.--All justices and
 1736 judges shall devote full time to their judicial duties. They

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1737 shall not engage in the practice of law or hold office in any
 1738 political party.

1739 SECTION 14. Funding.--

1740 (a) All justices and judges shall be compensated only by
 1741 state salaries fixed by general law. Funding for the state
 1742 courts system, state attorneys' offices, public defenders'
 1743 offices, and court-appointed counsel, except as otherwise
 1744 provided in subsection (c), shall be provided from state
 1745 revenues appropriated by general law.

1746 (b) All funding for the offices of the clerks of the
 1747 circuit and county courts performing court-related functions,
 1748 except as otherwise provided in this subsection and subsection
 1749 (c), shall be provided by adequate and appropriate filing fees
 1750 for judicial proceedings and service charges and costs for
 1751 performing court-related functions as required by general law.
 1752 Selected salaries, costs, and expenses of the state courts
 1753 system may be funded from appropriate filing fees for judicial
 1754 proceedings and service charges and costs for performing court-
 1755 related functions, as provided by general law. Where the
 1756 requirements of either the United States Constitution or this
 1757 ~~the constitution of the State of Florida~~ preclude the imposition
 1758 of filing fees for judicial proceedings and service charges and
 1759 costs for performing court-related functions sufficient to fund
 1760 the court-related functions of the offices of the clerks of the
 1761 circuit and county courts, the state shall provide, as
 1762 determined by the legislature, adequate and appropriate
 1763 supplemental funding from state revenues appropriated by general
 1764 law.

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1765 (c) No county or municipality, except as provided in this
 1766 subsection, shall be required to provide any funding for the
 1767 state courts system, state attorneys' offices, public defenders'
 1768 offices, court-appointed counsel, or the offices of the clerks
 1769 of the circuit and county courts performing court-related
 1770 functions. Counties shall be required to fund the cost of
 1771 communications services, existing radio systems, existing multi-
 1772 agency criminal justice information systems, and the cost of
 1773 construction or lease, maintenance, utilities, and security of
 1774 facilities for the trial courts, public defenders' offices,
 1775 state attorneys' offices, and the offices of the clerks of the
 1776 circuit and county courts performing court-related functions.
 1777 Counties shall also pay reasonable and necessary salaries,
 1778 costs, and expenses of the state courts system to meet local
 1779 requirements as determined by general law.

1780 (d) The judiciary shall have no power to fix
 1781 appropriations.

1782 SECTION 15. Attorneys; admission and discipline.--The
 1783 supreme court shall have exclusive jurisdiction to regulate the
 1784 admission of persons to the practice of law and the discipline
 1785 of persons admitted.

1786 SECTION 16. Clerks of the circuit courts.--There shall be
 1787 in each county a clerk of the circuit court who shall be
 1788 selected pursuant to the provisions of Article VIII, section 1.
 1789 Notwithstanding any other provision of this ~~the~~ constitution,
 1790 the duties of the clerk of the circuit court may be divided by
 1791 special or general law between two officers, one serving as
 1792 clerk of court and one serving as ex officio clerk of the board

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1793 of county commissioners, auditor, recorder, and custodian of all
 1794 county funds. There may be a clerk of the county court if
 1795 authorized by general or special law.

1796 SECTION 17. State attorneys.--In each judicial circuit, a
 1797 state attorney shall be elected for a term of four years. Except
 1798 as otherwise provided in this constitution, the state attorney
 1799 shall be the prosecuting officer of all trial courts in that
 1800 circuit and shall perform other duties prescribed by general
 1801 law; ~~provided,~~ however, when authorized by general law, the
 1802 violations of all municipal ordinances may be prosecuted by
 1803 municipal prosecutors. A state attorney shall be an elector of
 1804 the state and reside in the territorial jurisdiction of the
 1805 circuit, + shall be and have been a member of the bar of Florida
 1806 for the preceding five years, + shall devote full time to the
 1807 duties of the office, + and shall not engage in the private
 1808 practice of law. State attorneys shall appoint such assistant
 1809 state attorneys as may be authorized by law.

1810 SECTION 18. Public defenders.--In each judicial circuit, a
 1811 public defender shall be elected for a term of four years, who
 1812 shall perform duties prescribed by general law. A public
 1813 defender shall be an elector of the state and reside in the
 1814 territorial jurisdiction of the circuit and shall be and have
 1815 been a member of the bar of Florida for the preceding five
 1816 years. Public defenders shall appoint such assistant public
 1817 defenders as may be authorized by law.

1818 SECTION 19. Judicial officers as conservators of the
 1819 peace.--All judicial officers in this state shall be
 1820 conservators of the peace.

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1821 SECTION 20. Schedule to Article V.--

1822 (a) This article shall replace all of Article V of the
 1823 constitution of 1885, as amended, which shall then stand
 1824 repealed.

1825 (b) Except to the extent inconsistent with the provisions
 1826 of this article, all provisions of law and rules of court in
 1827 force on the effective date of this article shall continue in
 1828 effect until superseded in the manner authorized by this ~~the~~
 1829 constitution.

1830 (c) After this article becomes effective, and until
 1831 changed by general law consistent with sections 1 through 19 of
 1832 this article:

1833 (1) The supreme court shall have the jurisdiction
 1834 immediately theretofore exercised by it, and it shall determine
 1835 all proceedings pending before it on the effective date of this
 1836 article.

1837 (2) The appellate districts shall be those in existence on
 1838 the date of adoption of this article. There shall be a district
 1839 court of appeal in each district. The district courts of appeal
 1840 shall have the jurisdiction immediately theretofore exercised by
 1841 the district courts of appeal and shall determine all
 1842 proceedings pending before them on the effective date of this
 1843 article.

1844 (3) Circuit courts shall have jurisdiction of appeals from
 1845 county courts and municipal courts, except those appeals which
 1846 may be taken directly to the supreme court; and they shall have
 1847 exclusive original jurisdiction in all actions at law not
 1848 cognizable by the county courts; of proceedings relating to the

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1849 settlement of the estate of decedents and minors, the granting
 1850 of letters testamentary, guardianship, involuntary
 1851 hospitalization, the determination of incompetency, and other
 1852 jurisdiction usually pertaining to courts of probate; in all
 1853 cases in equity including all cases relating to juveniles; of
 1854 all felonies and of all misdemeanors arising out of the same
 1855 circumstances as a felony which is also charged; in all cases
 1856 involving legality of any tax assessment or toll; in the action
 1857 of ejectment; and in all actions involving the titles or
 1858 boundaries or right of possession of real property. The circuit
 1859 court may issue injunctions. There shall be judicial circuits
 1860 which shall be the judicial circuits in existence on the date of
 1861 adoption of this article. The chief judge of a circuit may
 1862 authorize a county court judge to order emergency
 1863 hospitalizations pursuant to Chapter 71-131, Laws of Florida, in
 1864 the absence from the county of the circuit judge and the county
 1865 court judge shall have the power to issue all temporary orders
 1866 and temporary injunctions necessary or proper to the complete
 1867 exercise of such jurisdiction.

1868 (4) County courts shall have original jurisdiction in all
 1869 criminal misdemeanor cases not cognizable by the circuit courts,
 1870 of all violations of municipal and county ordinances, and of all
 1871 actions at law in which the matter in controversy does not
 1872 exceed the sum of two thousand five hundred dollars ~~(\$2,500.00)~~
 1873 exclusive of interest and costs, except those within the
 1874 exclusive jurisdiction of the circuit courts. Judges of county
 1875 courts shall be committing magistrates. The county courts shall
 1876 have jurisdiction now exercised by the county judge's courts

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1877 other than that vested in the circuit court by paragraph
 1878 ~~subsection (e)(3) hereof~~, the jurisdiction now exercised by the
 1879 county courts, the claims court, the small claims courts, the
 1880 small claims magistrates courts, magistrates courts, justice of
 1881 the peace courts, municipal courts and courts of chartered
 1882 counties, including but not limited to the counties referred to
 1883 in Article VIII, sections 9, 10, 11 and 24 of the constitution
 1884 of 1885.

1885 (5) Each judicial nominating commission shall be composed
 1886 of the following:

1887 a. Three members appointed by the Board of Governors of
 1888 The Florida Bar from among The Florida Bar members who are
 1889 actively engaged in the practice of law with offices within the
 1890 territorial jurisdiction of the affected court, district or
 1891 circuit;

1892 b. Three electors who reside in the territorial
 1893 jurisdiction of the court or circuit appointed by the governor;
 1894 and

1895 c. Three electors who reside in the territorial
 1896 jurisdiction of the court or circuit and who are not members of
 1897 the bar of Florida, selected and appointed by a majority vote of
 1898 the other six members of the commission.

1899 (6) No justice or judge shall be a member of a judicial
 1900 nominating commission. A member of a judicial nominating
 1901 commission may hold public office other than judicial office. No
 1902 member shall be eligible for appointment to state judicial
 1903 office so long as that person is a member of a judicial
 1904 nominating commission and for a period of two years thereafter.

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1905 All acts of a judicial nominating commission shall be made with
 1906 a concurrence of a majority of its members.

1907 (7) The members of a judicial nominating commission shall
 1908 serve for a term of four years. ~~except the terms of the initial~~
 1909 ~~members of the judicial nominating commissions shall expire as~~
 1910 ~~follows:~~

1911 ~~a. The terms of one member of category a. b. and c. in~~
 1912 ~~subsection (c) (5) hereof shall expire on July 1, 1974;~~

1913 ~~b. The terms of one member of category a. b. and c. in~~
 1914 ~~subsection (c) (5) hereof shall expire on July 1, 1975;~~

1915 ~~c. The terms of one member of category a. b. and c. in~~
 1916 ~~subsection (c) (5) hereof shall expire on July 1, 1976;~~

1917 (8) All fines and forfeitures arising from offenses tried
 1918 in the county court shall be collected, and accounted for by
 1919 clerk of the court, and deposited in a special trust account.
 1920 All fines and forfeitures received from violations of ordinances
 1921 or misdemeanors committed within a county or municipal
 1922 ordinances committed within a municipality within the
 1923 territorial jurisdiction of the county court shall be paid
 1924 monthly to the county or municipality respectively. If any costs
 1925 are assessed and collected in connection with offenses tried in
 1926 county court, all court costs shall be paid into the general
 1927 revenue fund of the state of Florida and such other funds as
 1928 prescribed by general law.

1929 (9) Any municipality or county may apply to the chief
 1930 judge of the circuit in which that municipality or county is
 1931 situated for the county court to sit in a location suitable to
 1932 the municipality or county and convenient in time and place to

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1933 its citizens and police officers and upon such application said
 1934 chief judge shall direct the court to sit in the location unless
 1935 the chief judge shall determine the request is not justified. If
 1936 the chief judge does not authorize the county court to sit in
 1937 the location requested, the county or municipality may apply to
 1938 the supreme court for an order directing the county court to sit
 1939 in the location. Any municipality or county which so applies
 1940 shall be required to provide the appropriate physical facilities
 1941 in which the county court may hold court.

1942 (10) All courts except the supreme court may sit in
 1943 divisions as may be established by local rule approved by the
 1944 supreme court.

1945 (11) A county court judge in any county having a
 1946 population of 40,000 or fewer ~~less~~ according to the last
 1947 decennial census, shall not be required to be a member of the
 1948 bar of Florida.

1949 (12) Municipal prosecutors may prosecute violations of
 1950 municipal ordinances.

1951 (13) "Justice" shall mean a justice elected or appointed
 1952 to the supreme court and shall not include any judge assigned
 1953 from any court.

1954 (d) When this article becomes effective:

1955 (1) All courts not herein authorized, except as provided
 1956 by paragraph ~~subsection (d) (4) of this section~~ shall cease to
 1957 exist and jurisdiction to conclude all pending cases and enforce
 1958 all prior orders and judgments shall vest in the court that
 1959 would have jurisdiction of the cause if thereafter instituted.
 1960 All records of and property held by courts abolished hereby

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1961 shall be transferred to the proper office of the appropriate
 1962 court under this article.

1963 (2) Judges of the following courts, if their terms do not
 1964 expire in 1973 and if they are eligible under paragraph
 1965 ~~subsection (d) (8) hereof~~, shall become additional judges of the
 1966 circuit court for each of the counties of their respective
 1967 circuits, and shall serve as such circuit judges for the
 1968 remainder of the terms to which they were elected and shall be
 1969 eligible for election as circuit judges thereafter. These courts
 1970 are: civil court of record of Dade county, all criminal courts
 1971 of record, the felony courts of record of Alachua, Leon, and
 1972 Volusia Counties, the courts of record of Broward, Brevard,
 1973 Escambia, Hillsborough, Lee, Manatee, and Sarasota Counties, the
 1974 civil and criminal court of record of Pinellas County, and
 1975 county judge's courts and separate juvenile courts in counties
 1976 having a population in excess of 100,000 according to the 1970
 1977 federal census. On the effective date of this article, there
 1978 shall be an additional number of positions of circuit judges
 1979 equal to the number of existing circuit judges and the number of
 1980 judges of the above named courts whose term expires in 1973.
 1981 Elections to such offices shall take place at the same time and
 1982 manner as elections to other state judicial offices in 1972 and
 1983 the terms of such offices shall be for a term of six years.
 1984 Unless changed pursuant to section nine of this article, the
 1985 number of circuit judges presently existing and created by this
 1986 subsection shall not be changed.

1987 (3) In all counties having a population of fewer ~~less~~ than
 1988 100,000 according to the 1970 federal census and having more

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1989 | than one county judge on the date of the adoption of this
 1990 | article, there shall be the same number of judges of the county
 1991 | court as there are county judges existing on that date unless
 1992 | changed pursuant to section 9 of this article.

1993 | (4) Municipal courts shall continue with their same
 1994 | jurisdiction until amended or terminated in a manner prescribed
 1995 | by special or general law or ordinances, or until January 3,
 1996 | 1977, whichever occurs first. On that date all municipal courts
 1997 | not previously abolished shall cease to exist. Judges of
 1998 | municipal courts shall remain in office and be subject to
 1999 | reappointment or reelection in the manner prescribed by law
 2000 | until said courts are terminated pursuant to the provisions of
 2001 | this subsection. Upon municipal courts being terminated or
 2002 | abolished in accordance with the provisions of this subsection,
 2003 | the judges thereof who are not members of the bar of Florida,
 2004 | shall be eligible to seek election as judges of county courts of
 2005 | their respective counties.

2006 | (5) Judges, holding elective office in all other courts
 2007 | abolished by this article, whose terms do not expire in 1973
 2008 | including judges established pursuant to Article VIII, sections
 2009 | 9 and 11 of the constitution of 1885 shall serve as judges of
 2010 | the county court for the remainder of the term to which they
 2011 | were elected. Unless created pursuant to section 9, of this
 2012 | Article V such judicial office shall not continue to exist
 2013 | thereafter.

2014 | ~~(6) By March 21, 1972, the supreme court shall certify the~~
 2015 | ~~need for additional circuit and county judges. The legislature~~
 2016 | ~~in the 1972 regular session may by general law create additional~~

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2017 ~~offices of judge, the terms of which shall begin on the~~
 2018 ~~effective date of this article. Elections to such offices shall~~
 2019 ~~take place at the same time and manner as election to other~~
 2020 ~~state judicial offices in 1972.~~

2021 (6)~~(7)~~ County judges of existing county judge's courts and
 2022 justices of the peace and magistrates' court who are not members
 2023 of bar of Florida shall be eligible to seek election as county
 2024 court judges of their respective counties.

2025 (7)~~(8)~~ No judge of a court abolished by this article shall
 2026 become or be eligible to become a judge of the circuit court
 2027 unless the judge has been a member of bar of Florida for the
 2028 preceding five years.

2029 (8)~~(9)~~ The office of judges of all other courts abolished
 2030 by this article shall be abolished as of the effective date of
 2031 this article.

2032 ~~(10) The offices of county solicitor and prosecuting~~
 2033 ~~attorney shall stand abolished, and all county solicitors and~~
 2034 ~~prosecuting attorneys holding such offices upon the effective~~
 2035 ~~date of this article shall become and serve as assistant state~~
 2036 ~~attorneys for the circuits in which their counties are situate~~
 2037 ~~for the remainder of their terms, with compensation not less~~
 2038 ~~than that received immediately before the effective date of this~~
 2039 ~~article.~~

2040 (e) LIMITED OPERATION OF SOME PROVISIONS.--

2041 ~~(1) All justices of the supreme court, judges of the~~
 2042 ~~district courts of appeal and circuit judges in office upon the~~
 2043 ~~effective date of this article shall retain their offices for~~
 2044 ~~the remainder of their respective terms. All members of the~~

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2045 ~~judicial qualifications commission in office upon the effective~~
 2046 ~~date of this article shall retain their offices for the~~
 2047 ~~remainder of their respective terms. Each state attorney in~~
 2048 ~~office on the effective date of this article shall retain the~~
 2049 ~~office for the remainder of the term.~~

2050 ~~(2)~~ No justice or judge holding office immediately after
 2051 this article becomes effective who held judicial office on July
 2052 1, 1957, shall be subject to retirement from judicial office
 2053 because of age pursuant to section 8 ~~of this article.~~

2054 (f) Until otherwise provided by law, the nonjudicial
 2055 duties required of county judges shall be performed by the
 2056 judges of the county court.

2057 ~~(g) All provisions of Article V of the Constitution of~~
 2058 ~~1885, as amended, not embraced herein which are not inconsistent~~
 2059 ~~with this revision shall become statutes subject to modification~~
 2060 ~~or repeal as are other statutes.~~

2061 ~~(h) The requirements of section 14 relative to all county~~
 2062 ~~court judges or any judge of a municipal court who continues to~~
 2063 ~~hold office pursuant to subsection (d) (4) hereof being~~
 2064 ~~compensated by state salaries shall not apply prior to January~~
 2065 ~~3, 1977, unless otherwise provided by general law.~~

2066 (g)(i) DELETION OF OBSOLETE SCHEDULE ITEMS.--The
 2067 legislature shall have power, by concurrent resolution, to
 2068 delete from this article any subsection of this section ~~20~~
 2069 including this subsection, when all events to which the
 2070 subsection to be deleted is or could become applicable have
 2071 occurred. A legislative determination of fact made as a basis
 2072 for application of this subsection shall be subject to judicial

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2073 | review.
 2074 | ~~(j) EFFECTIVE DATE. Unless otherwise provided herein,~~
 2075 | ~~this article shall become effective at 11:59 o'clock P.M.,~~
 2076 | ~~Eastern Standard Time, January 1, 1973.~~

2077 |
 2078 | ARTICLE VI
 2079 | SUFFRAGE AND ELECTIONS

2080 |
 2081 | SECTION 1. Regulation of elections.--All elections by the
 2082 | people shall be by direct and secret vote. General elections
 2083 | shall be determined by a plurality of votes cast. Registration
 2084 | and elections shall, and political party functions may, be
 2085 | regulated by law; however, the requirements for a candidate with
 2086 | no party affiliation or for a candidate of a minor party for
 2087 | placement of the candidate's name on the ballot shall be no
 2088 | greater than the requirements for a candidate of the party
 2089 | having the largest number of registered voters.

2090 | SECTION 2. Electors.--Every citizen of the United States
 2091 | who is at least eighteen years of age and who is a permanent
 2092 | resident of the state, if registered as provided by law, shall
 2093 | be an elector of the county where registered.

2094 | SECTION 3. Oath.--Each eligible citizen upon registering
 2095 | shall subscribe the following: "I do solemnly swear (or affirm)
 2096 | that I will protect and defend the Constitution of the United
 2097 | States and the Constitution of the State of Florida, and that I
 2098 | am qualified to register as an elector under the Constitution
 2099 | and laws of the State of Florida."

2100 | SECTION 4. Disqualifications.--

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2101 (a) No person convicted of a felony, or adjudicated in
 2102 this or any other state to be mentally incompetent, shall be
 2103 qualified to vote or hold office until restoration of civil
 2104 rights or removal of disability.

2105 (b) No person may appear on the ballot for re-election to
 2106 any of the following offices:

- 2107 (1) Florida representative,
- 2108 (2) Florida senator,
- 2109 (3) Florida Lieutenant governor, or
- 2110 (4) Any office of the Florida cabinet,
- 2111 ~~(5) U.S. Representative from Florida, or~~
- 2112 ~~(6) U.S. Senator from Florida~~

2113
 2114 if, by the end of the current term of office, the person will
 2115 have served (or, but for resignation, would have served) in that
 2116 office for eight consecutive years.

2117 SECTION 5. Primary, general, and special elections.--

2118 (a) A general election shall be held in each county on the
 2119 first Tuesday after the first Monday in November of each even-
 2120 numbered year to choose a successor to each elective state and
 2121 county officer whose term will expire before the next general
 2122 election and, except as provided herein, to fill each vacancy in
 2123 elective office for the unexpired portion of the term. A general
 2124 election may be suspended or delayed due to a state of emergency
 2125 or impending emergency pursuant to general law. Special
 2126 elections and referenda shall be held as provided by law.

2127 (b) If all candidates for an office have the same party
 2128 affiliation and the winner will have no opposition in the

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2129 general election, all qualified electors, regardless of party
 2130 affiliation, may vote in the primary elections for that office.

2131 SECTION 6. Municipal and district elections.--Registration
 2132 and elections in municipalities shall, and in other governmental
 2133 entities created by statute may, be provided by law.

2134 SECTION 7. Campaign spending limits and funding of
 2135 campaigns for elective statewide ~~state-wide~~ office.--It is the
 2136 policy of this state to provide for state-wide elections in
 2137 which all qualified candidates may compete effectively. A method
 2138 of public financing for campaigns for state-wide office shall be
 2139 established by law. Spending limits shall be established for
 2140 such campaigns for candidates who use public funds in their
 2141 campaigns. The legislature shall provide funding for this
 2142 provision. General law implementing this paragraph shall be at
 2143 least as protective of effective competition by a candidate who
 2144 uses public funds as the general law in effect on January 1,
 2145 1998.

2146
 2147 ARTICLE VII

2148 FINANCE AND TAXATION

2149
 2150 SECTION 1. Taxation; appropriations; state expenses; state
 2151 revenue limitation.--

2152 (a) No tax shall be levied except in pursuance of law. No
 2153 state ad valorem taxes shall be levied upon real estate or
 2154 tangible personal property. All other forms of taxation shall be
 2155 preempted to the state except as provided by general law.

2156 (b) Motor vehicles, boats, airplanes, trailers, trailer

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2157 coaches, and mobile homes, as defined by law, shall be subject
 2158 to a license tax for their operation in the amounts and for the
 2159 purposes prescribed by law, but shall not be subject to ad
 2160 valorem taxes.

2161 (c) No money shall be drawn from the treasury except in
 2162 pursuance of appropriation made by law.

2163 (d) Provision shall be made by law for raising sufficient
 2164 revenue to defray the expenses of the state for each fiscal
 2165 period.

2166 (e) Except as provided herein, state revenues collected
 2167 for any fiscal year shall be limited to state revenues allowed
 2168 under this subsection for the prior fiscal year plus an
 2169 adjustment for growth. As used in this subsection, "growth"
 2170 means an amount equal to the average annual rate of growth in
 2171 Florida personal income over the most recent twenty quarters
 2172 times the state revenues allowed under this subsection for the
 2173 prior fiscal year. ~~For the 1995-1996 fiscal year, the state~~
 2174 ~~revenues allowed under this subsection for the prior fiscal year~~
 2175 ~~shall equal the state revenues collected for the 1994-1995~~
 2176 ~~fiscal year.~~ Florida personal income shall be determined by the
 2177 legislature, from information available from the United States
 2178 Department of Commerce or its successor on the first day of
 2179 February prior to the beginning of the fiscal year. State
 2180 revenues collected for any fiscal year in excess of this
 2181 limitation shall be transferred to the budget stabilization fund
 2182 until the fund reaches the maximum balance specified in Article
 2183 III, section 18(g) ~~19(g)~~ of ~~Article III~~, and thereafter shall be
 2184 refunded to taxpayers as provided by general law. State revenues

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2185 | allowed under this subsection for any fiscal year may be
 2186 | increased by a two-thirds vote of the membership of each house
 2187 | of the legislature in a separate bill that contains no other
 2188 | subject and that sets forth the dollar amount by which the state
 2189 | revenues allowed will be increased. The vote may not be taken
 2190 | less than seventy-two hours after the third reading of the bill.
 2191 | For purposes of this subsection, "state revenues" means taxes,
 2192 | fees, licenses, and charges for services imposed by the
 2193 | legislature on individuals, businesses, or agencies outside
 2194 | state government. However, "state revenues" does not include:
 2195 | revenues that are necessary to meet the requirements set forth
 2196 | in documents authorizing the issuance of bonds by the state;
 2197 | revenues that are used to provide matching funds for the federal
 2198 | Medicaid program with the exception of the revenues used to
 2199 | support the Public Medical Assistance Trust Fund or its
 2200 | successor program and with the exception of state matching funds
 2201 | used to fund elective expansions made after July 1, 1994;
 2202 | proceeds from the state lottery returned as prizes; receipts of
 2203 | the Florida Hurricane Catastrophe Fund; balances carried forward
 2204 | from prior fiscal years; taxes, licenses, fees, and charges for
 2205 | services imposed by local, regional, or school district
 2206 | governing bodies; or revenue from taxes, licenses, fees, and
 2207 | charges for services required to be imposed by any amendment or
 2208 | revision to this constitution after July 1, 1994. An adjustment
 2209 | to the revenue limitation shall be made by general law to
 2210 | reflect the fiscal impact of transfers of responsibility for the
 2211 | funding of governmental functions between the state and other
 2212 | levels of government. The legislature shall, by general law,

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2213 prescribe procedures necessary to administer this subsection.

2214 SECTION 2. Taxes; rate.--All ad valorem taxation shall be
 2215 at a uniform rate within each taxing unit, except the taxes on
 2216 intangible personal property may be at different rates but shall
 2217 never exceed two mills on the dollar of assessed value;
 2218 provided, as to any obligations secured by mortgage, deed of
 2219 trust, or other lien on real estate wherever located, an
 2220 intangible tax of not more than two mills on the dollar may be
 2221 levied by law to be in lieu of all other intangible assessments
 2222 on such obligations.

2223 SECTION 3. Taxes; exemptions.--

2224 (a) All property owned by a municipality and used
 2225 exclusively by it for municipal or public purposes shall be
 2226 exempt from taxation. A municipality, owning property outside
 2227 the municipality, may be required by general law to make payment
 2228 to the taxing unit in which the property is located. Such
 2229 portions of property as are used predominantly for educational,
 2230 literary, scientific, religious, or charitable purposes may be
 2231 exempted by general law from taxation.

2232 (b) There shall be exempt from taxation, cumulatively, to
 2233 every head of a family residing in this state, household goods
 2234 and personal effects to the value fixed by general law, not less
 2235 than one thousand dollars, and to every widow or widower or
 2236 person who is blind or totally and permanently disabled,
 2237 property to the value fixed by general law not less than five
 2238 hundred dollars.

2239 (c) Any county or municipality may, for the purpose of its
 2240 respective tax levy and subject to the provisions of this

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2241 subsection and general law, grant community and economic
 2242 development ad valorem tax exemptions to new businesses and
 2243 expansions of existing businesses, as defined by general law.
 2244 Such an exemption may be granted only by ordinance of the county
 2245 or municipality, and only after the electors of the county or
 2246 municipality voting on such question in a referendum authorize
 2247 the county or municipality to adopt such ordinances. An
 2248 exemption so granted shall apply to improvements to real
 2249 property made by or for the use of a new business and
 2250 improvements to real property related to the expansion of an
 2251 existing business and shall also apply to tangible personal
 2252 property of such new business and tangible personal property
 2253 related to the expansion of an existing business. The amount or
 2254 limits of the amount of such exemption shall be specified by
 2255 general law. The period of time for which such exemption may be
 2256 granted to a new business or expansion of an existing business
 2257 shall be determined by general law. The authority to grant such
 2258 exemption shall expire ten years from the date of approval by
 2259 the electors of the county or municipality, and may be renewable
 2260 by referendum as provided by general law.

2261 (d) By general law and subject to conditions specified
 2262 therein, there may be granted an ad valorem tax exemption to a
 2263 renewable energy source device and to real property on which
 2264 such device is installed and operated, to the value fixed by
 2265 general law not to exceed the original cost of the device, and
 2266 for the period of time fixed by general law not to exceed ten
 2267 years.

2268 (e) Any county or municipality may, for the purpose of its

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2269 | respective tax levy and subject to the provisions of this
 2270 | subsection and general law, grant historic preservation ad
 2271 | valorem tax exemptions to owners of historic properties. This
 2272 | exemption may be granted only by ordinance of the county or
 2273 | municipality. The amount or limits of the amount of this
 2274 | exemption and the requirements for eligible properties must be
 2275 | specified by general law. The period of time for which this
 2276 | exemption may be granted to a property owner shall be determined
 2277 | by general law.

2278 | SECTION 4. Taxation; assessments.--~~By~~ General law
 2279 | ~~regulations~~ shall prescribe regulations that be prescribed which
 2280 | ~~shall~~ secure a just valuation of all property for ad valorem
 2281 | taxation, provided:

2282 | (a) Agricultural land, land producing high water recharge
 2283 | to Florida's aquifers, or land used exclusively for
 2284 | noncommercial recreational purposes may be classified by general
 2285 | law and assessed solely on the basis of character or use.

2286 | (b) Pursuant to general law, tangible personal property
 2287 | held for sale as stock in trade and livestock may be valued for
 2288 | taxation at a specified percentage of its value, may be
 2289 | classified for tax purposes, or may be exempted from taxation.

2290 | (c) All persons entitled to a homestead exemption under
 2291 | section 6 ~~of this Article~~ shall have their homestead assessed at
 2292 | just value as of January 1, 1994 ~~of the year following the~~
 2293 | ~~effective date of this amendment~~. This assessment shall change
 2294 | only as provided herein.

2295 | (1) Assessments subject to this provision shall be changed
 2296 | annually on January 1st of each year; but those changes in

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2297 assessments shall not exceed the lower of the following:
 2298 a. Three percent ~~(3%)~~ of the assessment for the prior
 2299 year.
 2300 b. The percent change in the Consumer Price Index for all
 2301 urban consumers, U.S. City Average, all items 1967=100, or
 2302 successor reports for the preceding calendar year as initially
 2303 reported by the United States Department of Labor, Bureau of
 2304 Labor Statistics.
 2305 (2) No assessment shall exceed just value.
 2306 (3) After any change of ownership, as provided by general
 2307 law, homestead property shall be assessed at just value as of
 2308 January 1 of the following year. Thereafter, the homestead shall
 2309 be assessed as provided herein.
 2310 (4) New homestead property shall be assessed at just value
 2311 as of January 1st of the year following the establishment of the
 2312 homestead. That assessment shall only change as provided herein.
 2313 (5) Changes, additions, reductions, or improvements to
 2314 homestead property shall be assessed as provided for by general
 2315 law; provided, however, after the adjustment for any change,
 2316 addition, reduction, or improvement, the property shall be
 2317 assessed as provided herein.
 2318 (6) In the event of a termination of homestead status, the
 2319 property shall be assessed as provided by general law.
 2320 (7) The provisions of this amendment are severable. If any
 2321 of the provisions of this amendment shall be held
 2322 unconstitutional by any court of competent jurisdiction, the
 2323 decision of such court shall not affect or impair any remaining
 2324 provisions of this amendment.

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2325 (d) The legislature may, by general law, for assessment
 2326 purposes and subject to the provisions of this subsection, allow
 2327 counties and municipalities to authorize by ordinance that
 2328 historic property may be assessed solely on the basis of
 2329 character or use. Such character or use assessment shall apply
 2330 only to the jurisdiction adopting the ordinance. The
 2331 requirements for eligible properties must be specified by
 2332 general law.

2333 (e) A county may, in the manner prescribed by general law,
 2334 provide for a reduction in the assessed value of homestead
 2335 property to the extent of any increase in the assessed value of
 2336 that property which results from the construction or
 2337 reconstruction of the property for the purpose of providing
 2338 living quarters for one or more natural or adoptive grandparents
 2339 or parents of the owner of the property or of the owner's spouse
 2340 if at least one of the grandparents or parents for whom the
 2341 living quarters are provided is 62 years of age or older. Such a
 2342 reduction may not exceed the lesser of the following:

2343 (1) The increase in assessed value resulting from
 2344 construction or reconstruction of the property.

2345 (2) Twenty percent of the total assessed value of the
 2346 property as improved.

2347 SECTION 5. Estate, inheritance, and income taxes.--

2348 (a) NATURAL PERSONS.--No tax upon estates or inheritances
 2349 or upon the income of natural persons who are residents or
 2350 citizens of the state shall be levied by the state, or under its
 2351 authority, in excess of the aggregate of amounts that ~~which~~ may
 2352 be allowed to be credited upon or deducted from any similar tax

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2353 levied by the United States or any state.

2354 (b) OTHERS.--No tax upon the income of residents and
 2355 citizens other than natural persons shall be levied by the
 2356 state, or under its authority, in excess of five percent 5% of
 2357 net income, as defined by law, or at such greater rate as is
 2358 authorized by a three-fifths(3/5) vote of the membership of each
 2359 house of the legislature or as will provide for the state the
 2360 maximum amount which may be allowed to be credited against
 2361 income taxes levied by the United States and other states. There
 2362 shall be exempt from taxation not less than five thousand
 2363 dollars ~~(\$5,000)~~ of the excess of net income subject to tax over
 2364 the maximum amount allowed to be credited against income taxes
 2365 levied by the United States and other states.

2366 ~~(c) EFFECTIVE DATE. This section shall become effective~~
 2367 ~~immediately upon approval by the electors of Florida.~~

2368 SECTION 6. Homestead exemptions.--

2369 (a) Every person who has the legal or equitable title to
 2370 real estate and maintains thereon the permanent residence of the
 2371 owner, or another legally or naturally dependent upon the owner,
 2372 shall be exempt from taxation thereon, except assessments for
 2373 special benefits, up to the assessed valuation of five thousand
 2374 dollars, upon establishment of right thereto in the manner
 2375 prescribed by law. The real estate may be held by legal or
 2376 equitable title, by the entirety, jointly, in common, as a
 2377 condominium, or indirectly by stock ownership or membership
 2378 representing the owner's or member's proprietary interest in a
 2379 corporation owning a fee or a leasehold initially in excess of
 2380 ninety-eight years.

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2381 (b) Not more than one exemption shall be allowed any
 2382 individual or family unit or with respect to any residential
 2383 unit. No exemption shall exceed the value of the real estate
 2384 assessable to the owner or, in case of ownership through stock
 2385 or membership in a corporation, the value of the proportion
 2386 which the interest in the corporation bears to the assessed
 2387 value of the property.

2388 (c) By general law and subject to conditions specified
 2389 therein, the exemption shall be increased to a total of twenty-
 2390 five thousand dollars of the assessed value of the real estate
 2391 for each school district levy. By general law and subject to
 2392 conditions specified therein, the exemption for all other levies
 2393 may be increased up to an amount not exceeding ten thousand
 2394 dollars of the assessed value of the real estate if the owner
 2395 has attained age sixty-five or is totally and permanently
 2396 disabled and if the owner is not entitled to the exemption
 2397 provided in subsection (d).

2398 (d) By general law and subject to conditions specified
 2399 therein, the exemption shall be increased to a total of the
 2400 following amounts of assessed value of real estate for each levy
 2401 other than those of school districts: fifteen thousand dollars
 2402 with respect to 1980 assessments; twenty thousand dollars with
 2403 respect to 1981 assessments; twenty-five thousand dollars with
 2404 respect to assessments for 1982 and each year thereafter.
 2405 However, such increase shall not apply with respect to any
 2406 assessment roll until such roll is first determined to be in
 2407 compliance with the provisions of section 4 by a state agency
 2408 designated by general law. This subsection shall stand repealed

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2409 | on the effective date of any amendment to section 4 which
 2410 | provides for the assessment of homestead property at a specified
 2411 | percentage of its just value.

2412 | (e) By general law and subject to conditions specified
 2413 | therein, the legislature may provide to renters, who are
 2414 | permanent residents, ad valorem tax relief on all ad valorem tax
 2415 | levies. Such ad valorem tax relief shall be in the form and
 2416 | amount established by general law.

2417 | (f) The legislature may, by general law, allow counties or
 2418 | municipalities, for the purpose of their respective tax levies
 2419 | and subject to the provisions of general law, to grant an
 2420 | additional homestead tax exemption not exceeding twenty-five
 2421 | thousand dollars to any person who has the legal or equitable
 2422 | title to real estate and maintains thereon the permanent
 2423 | residence of the owner and who has attained age sixty-five and
 2424 | whose household income, as defined by general law, does not
 2425 | exceed twenty thousand dollars. The general law must allow
 2426 | counties and municipalities to grant this additional exemption,
 2427 | within the limits prescribed in this subsection, by ordinance
 2428 | adopted in the manner prescribed by general law, and must
 2429 | provide for the periodic adjustment of the income limitation
 2430 | prescribed in this subsection for changes in the cost of living.

2431 | SECTION 7. Allocation of pari-mutuel taxes.--Taxes upon
 2432 | the operation of pari-mutuel pools may be preempted to the state
 2433 | or allocated in whole or in part to the counties. When allocated
 2434 | to the counties, the distribution shall be in equal amounts to
 2435 | the several counties.

2436 | SECTION 8. Aid to local governments.--State funds may be

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2437 appropriated to the several counties, school districts,
 2438 municipalities, or special districts upon such conditions as may
 2439 be provided by general law. These conditions may include the use
 2440 of relative ad valorem assessment levels determined by a state
 2441 agency designated by general law.

2442 SECTION 9. Local taxes.--

2443 (a) Counties, school districts, and municipalities shall,
 2444 and special districts may, be authorized by law to levy ad
 2445 valorem taxes and may be authorized by general law to levy other
 2446 taxes, for their respective purposes, except ad valorem taxes on
 2447 intangible personal property and taxes prohibited by this
 2448 constitution.

2449 (b) Ad valorem taxes, exclusive of taxes levied for the
 2450 payment of bonds and taxes levied for periods not longer than
 2451 two years when authorized by vote of the electors who are the
 2452 owners of freeholds therein not wholly exempt from taxation,
 2453 shall not be levied in excess of the following millages upon the
 2454 assessed value of real estate and tangible personal property:
 2455 for all county purposes, ten mills; for all municipal purposes,
 2456 ten mills; for all school purposes, ten mills; for water
 2457 management purposes for the northwest portion of the state lying
 2458 west of the line between ranges two and three east, 0.05 mill;
 2459 for water management purposes for the remaining portions of the
 2460 state, 1.0 mill; and for all other special districts a millage
 2461 authorized by law approved by vote of the electors who are
 2462 owners of freeholds therein not wholly exempt from taxation. A
 2463 county furnishing municipal services may, to the extent
 2464 authorized by law, levy additional taxes within the limits fixed

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2465 for municipal purposes.

2466 SECTION 10. Pledging credit.--Neither the state nor any
 2467 county, school district, municipality, special district, or
 2468 agency of any of them, shall become a joint owner with, or
 2469 stockholder of, or give, lend, or use its taxing power or credit
 2470 to aid any corporation, association, partnership, or person; but
 2471 this shall not prohibit laws authorizing:

2472 (a) The investment of public trust funds;

2473 (b) The investment of other public funds in obligations
 2474 of, or insured by, the United States or any of its
 2475 instrumentalities;

2476 (c) The issuance and sale by any county, municipality,
 2477 special district, or other local governmental body of (1)
 2478 revenue bonds to finance or refinance the cost of capital
 2479 projects for airports or port facilities, or (2) revenue bonds
 2480 to finance or refinance the cost of capital projects for
 2481 industrial or manufacturing plants to the extent that the
 2482 interest thereon is exempt from income taxes under the then
 2483 existing laws of the United States, when, in either case, the
 2484 revenue bonds are payable solely from revenue derived from the
 2485 sale, operation, or leasing of the projects. If any project so
 2486 financed, or any part thereof, is occupied or operated by any
 2487 private corporation, association, partnership, or person
 2488 pursuant to contract or lease with the issuing body, the
 2489 property interest created by such contract or lease shall be
 2490 subject to taxation to the same extent as other privately owned
 2491 property.

2492 (d) A municipality, county, special district, or agency of

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2493 any of them, being a joint owner of, giving, or lending or using
 2494 its taxing power or credit for the joint ownership,
 2495 construction, and operation of electrical energy generating or
 2496 transmission facilities with any corporation, association,
 2497 partnership, or person.

2498 SECTION 11. State bonds; revenue bonds.--

2499 (a) State bonds pledging the full faith and credit of the
 2500 state may be issued only to finance or refinance the cost of
 2501 state fixed capital outlay projects authorized by law, and
 2502 purposes incidental thereto, upon approval by a vote of the
 2503 electors; provided state bonds issued pursuant to this
 2504 subsection may be refunded without a vote of the electors at a
 2505 lower net average interest cost rate. The total outstanding
 2506 principal of state bonds issued pursuant to this subsection
 2507 shall never exceed fifty percent of the total tax revenues of
 2508 the state for the two preceding fiscal years, excluding any tax
 2509 revenues held in trust under the provisions of this
 2510 constitution.

2511 (b) Moneys sufficient to pay debt service on state bonds
 2512 as the same becomes due shall be appropriated by law.

2513 (c) Any state bonds pledging the full faith and credit of
 2514 the state issued under this section or any other section of this
 2515 constitution may be combined for the purposes of sale.

2516 (d) Revenue bonds may be issued by the state or its
 2517 agencies without a vote of the electors to finance or refinance
 2518 the cost of state fixed capital outlay projects authorized by
 2519 law, and purposes incidental thereto, and shall be payable
 2520 solely from funds derived directly from sources other than state

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2521 tax revenues.

2522 (e) Bonds pledging all or part of a dedicated state tax
 2523 revenue may be issued by the state in the manner provided by
 2524 general law to finance or refinance the acquisition and
 2525 improvement of land, water areas, and related property interests
 2526 and resources for the purposes of conservation, outdoor
 2527 recreation, water resource development, restoration of natural
 2528 systems, and historic preservation.

2529 (f) Each project, building, or facility to be financed or
 2530 refinanced with revenue bonds issued under this section shall
 2531 first be approved by the legislature by an act relating to
 2532 appropriations or by general law.

2533 SECTION 12. Local bonds.--Counties, school districts,
 2534 municipalities, special districts, and local governmental bodies
 2535 with taxing powers may issue bonds, certificates of
 2536 indebtedness, or any form of tax anticipation certificates,
 2537 payable from ad valorem taxation and maturing more than twelve
 2538 months after issuance only:

2539 (a) To finance or refinance capital projects authorized by
 2540 law and only when approved by vote of the electors who are
 2541 owners of freeholds therein not wholly exempt from taxation; or

2542 (b) To refund outstanding bonds and interest and
 2543 redemption premium thereon at a lower net average interest cost
 2544 rate.

2545 SECTION 13. Relief from illegal taxes.--Until payment of
 2546 all taxes which have been legally assessed upon the property of
 2547 the same owner, no court shall grant relief from the payment of
 2548 any tax that may be illegal or illegally assessed.

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2549 SECTION 14. Bonds for pollution control and abatement and
 2550 other water facilities.--

2551 (a) When authorized by law, state bonds pledging the full
 2552 faith and credit of the state may be issued without an election
 2553 to finance the construction of air and water pollution control
 2554 and abatement and solid waste disposal facilities and other
 2555 water facilities authorized by general law (herein referred to
 2556 as "facilities") to be operated by any municipality, county,
 2557 district or authority, or any agency thereof (herein referred to
 2558 as "local governmental agencies"), or by any agency of the State
 2559 of Florida. Such bonds shall be secured by a pledge of and shall
 2560 be payable primarily from all or any part of revenues to be
 2561 derived from operation of such facilities, special assessments,
 2562 rentals to be received under lease-purchase agreements herein
 2563 provided for, any other revenues that may be legally available
 2564 for such purpose, including revenues from other facilities, or
 2565 any combination thereof (herein collectively referred to as
 2566 "pledged revenues"), and shall be additionally secured by the
 2567 full faith and credit of the State of Florida.

2568 (b) No such bonds shall be issued unless a state fiscal
 2569 agency, created by law, has made a determination that in no
 2570 state fiscal year will the debt service requirements of the
 2571 bonds proposed to be issued and all other bonds secured by the
 2572 pledged revenues exceed seventy-five percent ~~per cent~~ of the
 2573 pledged revenues.

2574 (c) The state may lease any of such facilities to any
 2575 local governmental agency, under lease-purchase agreements for
 2576 such periods and under such other terms and conditions as may be

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2577 mutually agreed upon. The local governmental agencies may pledge
 2578 the revenues derived from such leased facilities or any other
 2579 available funds for the payment of rentals thereunder; and, in
 2580 addition, the full faith and credit and taxing power of such
 2581 local governmental agencies may be pledged for the payment of
 2582 such rentals without any election of freeholder electors or
 2583 qualified electors.

2584 (d) The state may also issue such bonds for the purpose of
 2585 loaning money to local governmental agencies, for the
 2586 construction of such facilities to be owned or operated by any
 2587 of such local governmental agencies. Such loans shall bear
 2588 interest at not more than one-half of one percent ~~per cent~~ per
 2589 annum greater than the last preceding issue of state bonds
 2590 pursuant to this section, shall be secured by the pledged
 2591 revenues, and may be additionally secured by the full faith and
 2592 credit of the local governmental agencies.

2593 (e) The total outstanding principal of state bonds issued
 2594 pursuant to this section ~~14~~ shall never exceed fifty percent ~~per~~
 2595 ~~cent~~ of the total tax revenues of the state for the two
 2596 preceding fiscal years.

2597 SECTION 15. Revenue bonds for scholarship loans.--

2598 (a) When authorized by law, revenue bonds may be issued to
 2599 establish a fund to make loans to students determined eligible
 2600 as prescribed by law and who have been admitted to attend any
 2601 public or private institutions of higher learning, junior
 2602 colleges, health related training institutions, or vocational
 2603 training centers, which are recognized or accredited under terms
 2604 and conditions prescribed by law. Revenue bonds issued pursuant

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2605 to this section shall be secured by a pledge of and shall be
 2606 payable primarily from payments of interest, principal, and
 2607 handling charges to such fund from the recipients of the loans
 2608 and, if authorized by law, may be additionally secured by
 2609 student fees and by any other moneys in such fund. There shall
 2610 be established from the proceeds of each issue of revenue bonds
 2611 a reserve account in an amount equal to and sufficient to pay
 2612 the greatest amount of principal, interest, and handling charges
 2613 to become due on such issue in any ensuing state fiscal year.

2614 (b) Interest moneys in the fund established pursuant to
 2615 this section, not required in any fiscal year for payment of
 2616 debt service on then outstanding revenue bonds or for
 2617 maintenance of the reserve account, may be used for educational
 2618 loans to students determined to be eligible therefor in the
 2619 manner provided by law, or for such other related purposes as
 2620 may be provided by law.

2621 SECTION 16. Bonds for housing and related facilities.--

2622 (a) When authorized by law, revenue bonds may be issued
 2623 without an election to finance or refinance housing and related
 2624 facilities in Florida, herein referred to as "facilities."

2625 (b) The bonds shall be secured by a pledge of and shall be
 2626 payable primarily from all or any part of revenues to be derived
 2627 from the financing, operation, or sale of such facilities,
 2628 mortgage or loan payments, and any other revenues or assets that
 2629 may be legally available for such purposes derived from sources
 2630 other than ad valorem taxation, including revenues from other
 2631 facilities, or any combination thereof, herein collectively
 2632 referred to as "pledged revenues," provided that in no event

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2633 shall the full faith and credit of the state be pledged to
 2634 secure such revenue bonds.

2635 (c) No bonds shall be issued unless a state fiscal agency,
 2636 created by law, has made a determination that in no state fiscal
 2637 year will the debt service requirements of the bonds proposed to
 2638 be issued and all other bonds secured by the same pledged
 2639 revenues exceed the pledged revenues available for payment of
 2640 such debt service requirements, as defined by law.

2641 SECTION 17. Bonds for acquiring transportation right-of-
 2642 way or for constructing bridges.--

2643 (a) When authorized by law, state bonds pledging the full
 2644 faith and credit of the state may be issued, without a vote of
 2645 the electors, to finance or refinance the cost of acquiring real
 2646 property or the rights to real property for state roads as
 2647 defined by law~~7~~, or to finance or refinance the cost of state
 2648 bridge construction~~7~~, and purposes incidental to such property
 2649 acquisition or state bridge construction.

2650 (b) Bonds issued under this section shall be secured by a
 2651 pledge of and shall be payable primarily from motor fuel or
 2652 special fuel taxes, except those defined in Article XII, section
 2653 7(c) ~~9(c) of Article XII~~, as provided by law, and shall
 2654 additionally be secured by the full faith and credit of the
 2655 state.

2656 (c) No bonds shall be issued under this section unless a
 2657 state fiscal agency, created by law, has made a determination
 2658 that in no state fiscal year will the debt service requirements
 2659 of the bonds proposed to be issued and all other bonds secured
 2660 by the same pledged revenues exceed ninety percent of the

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2661 pledged revenues available for payment of such debt service
 2662 requirements, as defined by law. For the purposes of this
 2663 subsection, the term "pledged revenues" means all revenues
 2664 pledged to the payment of debt service, excluding any pledge of
 2665 the full faith and credit of the state.

2666 SECTION 18. Laws requiring counties or municipalities to
 2667 spend funds or limiting their ability to raise revenue or
 2668 receive state tax revenue.--

2669 (a) No county or municipality shall be bound by any
 2670 general law requiring such county or municipality to spend funds
 2671 or to take an action requiring the expenditure of funds unless
 2672 the legislature has determined that such law fulfills an
 2673 important state interest and unless: funds have been
 2674 appropriated that have been estimated at the time of enactment
 2675 to be sufficient to fund such expenditure; the legislature
 2676 authorizes or has authorized a county or municipality to enact a
 2677 funding source not available for such county or municipality on
 2678 February 1, 1989, that can be used to generate the amount of
 2679 funds estimated to be sufficient to fund such expenditure by a
 2680 simple majority vote of the governing body of such county or
 2681 municipality; the law requiring such expenditure is approved by
 2682 two-thirds of the membership in each house of the legislature;
 2683 the expenditure is required to comply with a law that applies to
 2684 all persons similarly situated, including the state and local
 2685 governments; or the law is either required to comply with a
 2686 federal requirement or required for eligibility for a federal
 2687 entitlement, which federal requirement specifically contemplates
 2688 actions by counties or municipalities for compliance.

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2689 (b) Except upon approval of each house of the legislature
 2690 by two-thirds of the membership, the legislature may not enact,
 2691 amend, or repeal any general law if the anticipated effect of
 2692 doing so would be to reduce the authority that municipalities or
 2693 counties have to raise revenues in the aggregate, as such
 2694 authority exists on February 1, 1989.

2695 (c) Except upon approval of each house of the legislature
 2696 by two-thirds of the membership, the legislature may not enact,
 2697 amend, or repeal any general law if the anticipated effect of
 2698 doing so would be to reduce the percentage of a state tax shared
 2699 with counties and municipalities as an aggregate on February 1,
 2700 1989. The provisions of this subsection shall not apply to
 2701 enhancements enacted after February 1, 1989, to state tax
 2702 sources, or during a fiscal emergency declared in a written
 2703 joint proclamation issued by the president of the senate and the
 2704 speaker of the house of representatives, or where the
 2705 legislature provides additional state-shared revenues that ~~which~~
 2706 are anticipated to be sufficient to replace the anticipated
 2707 aggregate loss of state-shared revenues resulting from the
 2708 reduction of the percentage of the state tax shared with
 2709 counties and municipalities, which source of replacement
 2710 revenues shall be subject to the same requirements for repeal or
 2711 modification as provided herein for a state-shared tax source
 2712 existing on February 1, 1989.

2713 (d) Laws adopted to require funding of pension benefits
 2714 existing on November 6, 1990; ~~the effective date of this~~
 2715 ~~section~~, criminal laws; election laws; the general
 2716 appropriations act; special appropriations acts; laws

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2717 reauthorizing but not expanding then-existing statutory
 2718 authority;7 laws having insignificant fiscal impact;i7 and laws
 2719 creating, modifying, or repealing noncriminal infractions~~7~~ are
 2720 exempt from the requirements of this section.

2721 (e) The legislature may enact laws to assist in the
 2722 implementation and enforcement of this section.

2723

2724 ARTICLE VIII

2725 LOCAL GOVERNMENT

2726

2727 SECTION 1. Counties.--

2728 (a) POLITICAL SUBDIVISIONS.--The state shall be divided by
 2729 law into political subdivisions called counties. Counties may be
 2730 created, abolished, or changed by law, with provision for
 2731 payment or apportionment of the public debt.

2732 (b) COUNTY FUNDS.--The care, custody, and method of
 2733 disbursing county funds shall be provided by general law.

2734 (c) GOVERNMENT.--Pursuant to general or special law, a
 2735 county government may be established by charter that ~~which~~ shall
 2736 be adopted, amended, or repealed only upon vote of the electors
 2737 of the county in a special election called for that purpose.

2738 (d) COUNTY OFFICERS.--There shall be elected by the
 2739 electors of each county, for terms of four years, a sheriff, a
 2740 tax collector, a property appraiser, a supervisor of elections,
 2741 and a clerk of the circuit court; except, when provided by
 2742 county charter or special law approved by vote of the electors
 2743 of the county, any county officer may be chosen in another
 2744 manner therein specified, or any county office may be abolished

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2745 when all the duties of the office prescribed by general law are
 2746 transferred to another office. When not otherwise provided by
 2747 county charter or special law approved by vote of the electors,
 2748 the clerk of the circuit court shall be ex officio clerk of the
 2749 board of county commissioners, auditor, recorder, and custodian
 2750 of all county funds.

2751 (e) COMMISSIONERS.--Except when otherwise provided by
 2752 county charter, the governing body of each county shall be a
 2753 board of county commissioners composed of five or seven members
 2754 serving staggered terms of four years. After each decennial
 2755 census, the board of county commissioners shall divide the
 2756 county into districts of contiguous territory as nearly equal in
 2757 population as practicable. One commissioner residing in each
 2758 district shall be elected as provided by law.

2759 (f) NON-CHARTER GOVERNMENT.--Counties not operating under
 2760 county charters shall have such power of self-government as is
 2761 provided by general or special law. The board of county
 2762 commissioners of a county not operating under a charter may
 2763 enact, in a manner prescribed by general law, county ordinances
 2764 not inconsistent with general or special law, but an ordinance
 2765 in conflict with a municipal ordinance shall not be effective
 2766 within the municipality to the extent of such conflict.

2767 (g) CHARTER GOVERNMENT.--Counties operating under county
 2768 charters shall have all powers of local self-government not
 2769 inconsistent with general law, or with special law approved by
 2770 vote of the electors. The governing body of a county operating
 2771 under a charter may enact county ordinances not inconsistent
 2772 with general law. The charter shall provide which shall prevail

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2773 | in the event of conflict between county and municipal
 2774 | ordinances.

2775 | (h) TAXES; LIMITATION.--Property situate within
 2776 | municipalities shall not be subject to taxation for services
 2777 | rendered by the county exclusively for the benefit of the
 2778 | property or residents in unincorporated areas.

2779 | (i) COUNTY ORDINANCES.--Each county ordinance shall be
 2780 | filed with the custodian of state records and shall become
 2781 | effective at such time thereafter as is provided by general law.

2782 | (j) VIOLATION OF ORDINANCES.--Persons violating county
 2783 | ordinances shall be prosecuted and punished as provided by law.

2784 | (k) COUNTY SEAT.--In every county there shall be a county
 2785 | seat at which shall be located the principal offices and
 2786 | permanent records of all county officers. The county seat may
 2787 | not be moved except as provided by general law. Branch offices
 2788 | for the conduct of county business may be established elsewhere
 2789 | in the county by resolution of the governing body of the county
 2790 | in the manner prescribed by law. No instrument shall be deemed
 2791 | recorded until filed at the county seat, or a branch office
 2792 | designated by the governing body of the county for the recording
 2793 | of instruments, according to law.

2794 | SECTION 2. Municipalities.--

2795 | (a) ESTABLISHMENT.--Municipalities may be established or
 2796 | abolished and their charters amended pursuant to general or
 2797 | special law. When any municipality is abolished, provision shall
 2798 | be made for the protection of its creditors.

2799 | (b) POWERS.--Municipalities shall have governmental,
 2800 | corporate, and proprietary powers to enable them to conduct

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2801 municipal government, perform municipal functions and render
 2802 municipal services, and may exercise any power for municipal
 2803 purposes except as otherwise provided by law. Each municipal
 2804 legislative body shall be elective.

2805 (c) ANNEXATION.--Municipal annexation of unincorporated
 2806 territory, merger of municipalities, and exercise of extra-
 2807 territorial powers by municipalities shall be as provided by
 2808 general or special law.

2809 SECTION 3. Consolidation.--The government of a county and
 2810 the government of one or more municipalities located therein may
 2811 be consolidated into a single government, which may exercise any
 2812 and all powers of the county and the several municipalities. The
 2813 consolidation plan may be proposed only by special law, which
 2814 shall become effective if approved by vote of the electors of
 2815 the county, or of the county and municipalities affected, as may
 2816 be provided in the plan. Consolidation shall not extend the
 2817 territorial scope of taxation for the payment of pre-existing
 2818 debt except to areas whose residents receive a benefit from the
 2819 facility or service for which the indebtedness was incurred.

2820 SECTION 4. Transfer of powers.--By law or by resolution of
 2821 the governing bodies of each of the governments affected, any
 2822 function or power of a county, municipality, or special district
 2823 may be transferred to or contracted to be performed by another
 2824 county, municipality, or special district, after approval by
 2825 vote of the electors of the transferor and approval by vote of
 2826 the electors of the transferee, or as otherwise provided by law.

2827 SECTION 5. Local option.--

2828 (a) Local option on the legality or prohibition of the

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2829 sale of intoxicating liquors, wines, or beers shall be preserved
 2830 to each county. The status of a county with respect thereto
 2831 shall be changed only by vote of the electors in a special
 2832 election called upon the petition of twenty-five percent ~~per~~
 2833 ~~cent~~ of the electors of the county, and not sooner than two
 2834 years after an earlier election on the same question. Where
 2835 legal, the sale of intoxicating liquors, wines, and beers shall
 2836 be regulated by law.

2837 (b) Each county shall have the authority to require a
 2838 criminal history records check and a 3-to-5-day ~~3-to-5-day~~
 2839 waiting period, excluding weekends and legal holidays, in
 2840 connection with the sale of any firearm occurring within such
 2841 county. For purposes of this subsection, the term "sale" means
 2842 the transfer of money or other valuable consideration for any
 2843 firearm when any part of the transaction is conducted on
 2844 property to which the public has the right of access. Holders of
 2845 a concealed weapons permit as prescribed by general law shall
 2846 not be subject to the provisions of this subsection when
 2847 purchasing a firearm.

2848 SECTION 6. Schedule to Article VIII.--

2849 (a) APPLICABILITY TO FORMER ARTICLE.--This article shall
 2850 replace all of Article VIII of the constitution of 1885, as
 2851 amended, except those sections expressly retained and made a
 2852 part of this article by reference.

2853 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES;
 2854 DISTRICTS.--The status of the following items as they exist on
 2855 the date this article becomes effective is recognized and shall
 2856 be continued until changed in accordance with law: the counties

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2857 of the state; their status with respect to the legality of the
 2858 sale of intoxicating liquors, wines, and beers; the method of
 2859 selection of county officers; the performance of municipal
 2860 functions by county officers; the county seats; and the
 2861 municipalities and special districts of the state, their powers,
 2862 jurisdiction, and government.

2863 ~~(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding~~
 2864 ~~office when this article becomes effective shall continue in~~
 2865 ~~office for the remainder of the term if that office is not~~
 2866 ~~abolished. If the office is abolished the incumbent shall be~~
 2867 ~~paid adequate compensation, to be fixed by law, for the loss of~~
 2868 ~~emoluments for the remainder of the term.~~

2869 (c)~~(d)~~ ORDINANCES.--Local laws relating only to
 2870 unincorporated areas of a county on the effective date of this
 2871 article may be amended or repealed by county ordinance.

2872 (d)~~(e)~~ CONSOLIDATION AND HOME RULE.--Article VIII,
 2873 sections 9, 10, 11, and 24, of the constitution of 1885, as
 2874 amended, shall remain in full force and effect as to each county
 2875 affected, as if this article had not been adopted, until that
 2876 county shall expressly adopt a charter or home rule plan
 2877 pursuant to this article. All provisions of the Metropolitan
 2878 Dade County Home Rule Charter, heretofore or hereafter adopted
 2879 by the electors of Dade County pursuant to Article VIII, section
 2880 11, of the constitution of 1885, as amended, shall be valid, and
 2881 any amendments to such charter shall be valid; provided that the
 2882 said provisions of such charter and the said amendments thereto
 2883 are authorized under said Article VIII, section 11, of the
 2884 constitution of 1885, as amended.

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2913 attending public schools obtain a high quality education, the
 2914 legislature shall make adequate provision to ensure that, by the
 2915 beginning of the 2010 school year, there are a sufficient number
 2916 of classrooms so that:

2917 (1) The maximum number of students who are assigned to
 2918 each teacher who is teaching in public school classrooms for
 2919 prekindergarten through grade 3 does not exceed 18 students;

2920 (2) The maximum number of students who are assigned to
 2921 each teacher who is teaching in public school classrooms for
 2922 grades 4 through 8 does not exceed 22 students; and

2923 (3) The maximum number of students who are assigned to
 2924 each teacher who is teaching in public school classrooms for
 2925 grades 9 through 12 does not exceed 25 students.

2926
 2927 The class size requirements of this subsection do not apply to
 2928 extracurricular classes. Payment of the costs associated with
 2929 reducing class size to meet these requirements is the
 2930 responsibility of the state and not of local school ~~schools~~
 2931 districts. ~~Beginning with the 2003-2004 fiscal year,~~ The
 2932 legislature shall provide sufficient funds to reduce the average
 2933 number of students in each classroom by at least two students
 2934 per year until the maximum number of students per classroom does
 2935 not exceed the requirements of this subsection.

2936 (b) Every four-year-old ~~four-year-old~~ child in Florida
 2937 shall be provided by the State a high-quality ~~high-quality~~ pre-
 2938 kindergarten learning opportunity in the form of an early
 2939 childhood development and education program that ~~which~~ shall be
 2940 voluntary, high quality, free, and delivered according to

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2941 professionally accepted standards. An early childhood
 2942 development and education program means an organized program
 2943 designed to address and enhance each child's ability to make
 2944 age-appropriate ~~age-appropriate~~ progress in an appropriate range
 2945 of settings in the development of language and cognitive
 2946 capabilities and emotional, social, regulatory, and moral
 2947 capacities through education in basic skills and such other
 2948 skills as the legislature may determine to be appropriate.

2949 (c) The early childhood education and development programs
 2950 provided by reason of subsection ~~subparagraph~~ (b) shall be
 2951 implemented ~~no later than the beginning of the 2005 school year~~
 2952 through funds generated in addition to those used for existing
 2953 education, health, and development programs. Existing education,
 2954 health, and development programs are those funded by the state
 2955 as of January 1, 2002, that provided for child or adult
 2956 education, health care, or development.

2957 SECTION 2. State board of education.--The state board of
 2958 education shall be a body corporate and have such supervision of
 2959 the system of free public education as is provided by law. The
 2960 state board of education shall consist of seven members
 2961 appointed by the governor to staggered 4-year terms, subject to
 2962 confirmation by the senate. The state board of education shall
 2963 appoint the commissioner of education.

2964 SECTION 3. Terms of appointive board members.--Members of
 2965 any appointive board dealing with education may serve terms in
 2966 excess of four years as provided by law.

2967 SECTION 4. School districts; school boards.--

2968 (a) Each county shall constitute a school district, †

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2969 | provided that, two or more contiguous counties, upon vote of the
 2970 | electors of each county pursuant to law, may be combined into
 2971 | one school district. In each school district, there shall be a
 2972 | school board composed of five or more members chosen by vote of
 2973 | the electors in a nonpartisan election for appropriately
 2974 | staggered terms of four years, as provided by law.

2975 | (b) The school board shall operate, control, and supervise
 2976 | all free public schools within the school district and determine
 2977 | the rate of school district taxes within the limits prescribed
 2978 | herein. Two or more school districts may operate and finance
 2979 | joint educational programs.

2980 | SECTION 5. Superintendent of schools.--In each school
 2981 | district, there shall be a superintendent of schools who shall
 2982 | be elected at the general election in each year the number of
 2983 | which is a multiple of four for a term of four years; or, when
 2984 | provided by resolution of the district school board, or by
 2985 | special law, approved by vote of the electors, the district
 2986 | school superintendent in any school district shall be employed
 2987 | by the district school board as provided by general law. The
 2988 | resolution or special law may be rescinded or repealed by either
 2989 | procedure after four years.

2990 | SECTION 6. State school fund.--The income derived from the
 2991 | state school fund shall, and the principal of the fund may, be
 2992 | appropriated, but only to the support and maintenance of free
 2993 | public schools.

2994 | ~~SECTION 7. State University System.~~

2995 | ~~(a) PURPOSES. In order to achieve excellence through~~
 2996 | ~~teaching students, advancing research and providing public~~

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2997 ~~service for the benefit of Florida's citizens, their communities~~
 2998 ~~and economies, the people hereby establish a system of~~
 2999 ~~governance for the state university system of Florida.~~

3000 ~~(b) STATE UNIVERSITY SYSTEM. There shall be a single~~
 3001 ~~state university system comprised of all public universities. A~~
 3002 ~~board of trustees shall administer each public university and a~~
 3003 ~~board of governors shall govern the state university system.~~

3004 ~~(c) LOCAL BOARDS OF TRUSTEES. Each local constituent~~
 3005 ~~university shall be administered by a board of trustees~~
 3006 ~~consisting of thirteen members dedicated to the purposes of the~~
 3007 ~~state university system. The board of governors shall establish~~
 3008 ~~the powers and duties of the boards of trustees. Each board of~~
 3009 ~~trustees shall consist of six citizen members appointed by the~~
 3010 ~~governor and five citizen members appointed by the board of~~
 3011 ~~governors. The appointed members shall be confirmed by the~~
 3012 ~~senate and serve staggered terms of five years as provided by~~
 3013 ~~law. The chair of the faculty senate, or the equivalent, and the~~
 3014 ~~president of the student body of the university shall also be~~
 3015 ~~members.~~

3016 ~~(d) STATEWIDE BOARD OF GOVERNORS. The board of governors~~
 3017 ~~shall be a body corporate consisting of seventeen members. The~~
 3018 ~~board shall operate, regulate, control, and be fully responsible~~
 3019 ~~for the management of the whole university system. These~~
 3020 ~~responsibilities shall include, but not be limited to, defining~~
 3021 ~~the distinctive mission of each constituent university and its~~
 3022 ~~articulation with free public schools and community colleges,~~
 3023 ~~ensuring the well planned coordination and operation of the~~
 3024 ~~system, and avoiding wasteful duplication of facilities or~~

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3025 ~~programs. The board's management shall be subject to the powers~~
 3026 ~~of the legislature to appropriate for the expenditure of funds,~~
 3027 ~~and the board shall account for such expenditures as provided by~~
 3028 ~~law. The governor shall appoint to the board fourteen citizens~~
 3029 ~~dedicated to the purposes of the state university system. The~~
 3030 ~~appointed members shall be confirmed by the senate and serve~~
 3031 ~~staggered terms of seven years as provided by law. The~~
 3032 ~~commissioner of education, the chair of the advisory council of~~
 3033 ~~faculty senates, or the equivalent, and the president of the~~
 3034 ~~Florida student association, or the equivalent, shall also be~~
 3035 ~~members of the board.~~

3037 ARTICLE X
 3038 MISCELLANEOUS

3040 SECTION 1. Amendments to United States Constitution.--The
 3041 legislature shall not take action on any proposed amendment to
 3042 the Constitution of the United States unless a majority of the
 3043 members thereof have been elected after the proposed amendment
 3044 has been submitted for ratification.

3045 SECTION 2. Militia.--

3046 (a) The militia shall be composed of all able-bodied
 3047 ~~able-bodied~~ inhabitants of the state who are or have declared
 3048 their intention to become citizens of the United States, ~~and~~ and no
 3049 person because of religious creed or opinion shall be exempted
 3050 from military duty except upon conditions provided by law.

3051 (b) The organizing, equipping, housing, maintaining, and
 3052 disciplining of the militia, and the safekeeping of public arms

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3053 may be provided for by law.

3054 (c) The governor shall appoint all commissioned officers
 3055 of the militia, including an adjutant general who shall be chief
 3056 of staff. The appointment of all general officers shall be
 3057 subject to confirmation by the senate.

3058 (d) The qualifications of personnel and officers of the
 3059 federally recognized national guard, including the adjutant
 3060 general, and the grounds and proceedings for their discipline
 3061 and removal shall conform to the appropriate United States Army
 3062 or Air Force regulations and usages.

3063 SECTION 3. Vacancy in office.--Vacancy in office shall
 3064 occur upon the creation of an office, upon the death, removal
 3065 from office, or resignation of the incumbent or the incumbent's
 3066 succession to another office, unexplained absence for sixty
 3067 consecutive days, or failure to maintain the residence required
 3068 when elected or appointed, and upon failure of one elected or
 3069 appointed to office to qualify within thirty days from the
 3070 commencement of the term.

3071 SECTION 4. Homestead; exemptions.--

3072 (a) There shall be exempt from forced sale under process
 3073 of any court, and no judgment, decree, or execution shall be a
 3074 lien thereon, except for the payment of taxes and assessments
 3075 thereon, obligations contracted for the purchase, improvement, or
 3076 or repair thereof, or obligations contracted for house, field, or
 3077 or other labor performed on the realty, the following property
 3078 owned by a natural person:

3079 (1) A homestead, if located outside a municipality, to the
 3080 extent of one hundred sixty acres of contiguous land and

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3081 improvements thereon, which shall not be reduced without the
 3082 owner's consent by reason of subsequent inclusion in a
 3083 municipality; or if located within a municipality, to the extent
 3084 of one-half acre of contiguous land, upon which the exemption
 3085 shall be limited to the residence of the owner or the owner's
 3086 family;

3087 (2) Personal property to the value of one thousand
 3088 dollars.

3089 (b) These exemptions shall inure to the surviving spouse
 3090 or heirs of the owner.

3091 (c) The homestead shall not be subject to devise if the
 3092 owner is survived by spouse or minor child, except the homestead
 3093 may be devised to the owner's spouse if there be no minor child.
 3094 The owner of homestead real estate, joined by the spouse if
 3095 married, may alienate the homestead by mortgage, sale, or gift
 3096 and, if married, may by deed transfer the title to an estate by
 3097 the entirety with the spouse. If the owner or spouse is
 3098 incompetent, the method of alienation or encumbrance shall be as
 3099 provided by law.

3100 SECTION 5. Coverture and property.--There shall be no
 3101 distinction between married women and married men in the
 3102 holding, control, disposition, or encumbering of their property,
 3103 both real and personal; except that dower or curtesy may be
 3104 established and regulated by law.

3105 SECTION 6. Eminent domain.--

3106 (a) No private property shall be taken except for a public
 3107 purpose and with full compensation therefor paid to each owner
 3108 or secured by deposit in the registry of the court and available

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3109 to the owner.

3110 (b) Provision may be made by law for the taking of
 3111 easements, by like proceedings, for the drainage of the land of
 3112 one person over or through the land of another.

3113 SECTION 7. Lotteries.--Lotteries, other than the types of
 3114 pari-mutuel pools authorized by law as of January 7, 1969 ~~the~~
 3115 ~~effective date of this constitution~~, are hereby prohibited in
 3116 this state.

3117 SECTION 8. Census.--

3118 (a) Each decennial census of the state taken by the United
 3119 States shall be an official census of the state.

3120 (b) Each decennial census, for the purpose of
 3121 classifications based upon population, shall become effective on
 3122 the thirtieth day after the final adjournment of the regular
 3123 session of the legislature convened next after certification of
 3124 the census.

3125 SECTION 9. Repeal of criminal statutes.--Repeal or
 3126 amendment of a criminal statute shall not affect prosecution or
 3127 punishment for any crime previously committed.

3128 SECTION 10. Felony; definition.--The term "felony," as
 3129 used herein and in the laws of this state, shall mean any
 3130 criminal offense that is punishable under the laws of this
 3131 state, or that would be punishable if committed in this state,
 3132 by death or by imprisonment in the state penitentiary.

3133 SECTION 11. Sovereignty lands.--The title to lands under
 3134 navigable waters, within the boundaries of the state, which have
 3135 not been alienated, including beaches below mean high water
 3136 lines, is held by the state, by virtue of its sovereignty, in

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3137 trust for all the people. Sale of such lands may be authorized
3138 by law, but only when in the public interest. Private use of
3139 portions of such lands may be authorized by law, but only when
3140 not contrary to the public interest.

3141 SECTION 12. Rules of construction.--Unless qualified in
3142 the text, the following rules of construction shall apply to
3143 this constitution.

3144 (a) "Herein" refers to the entire constitution.

3145 (b) The singular includes the plural.

3146 (c) The masculine includes the feminine.

3147 (d) "Vote of the electors" means the vote of the majority
3148 of those voting on the matter in an election, general or
3149 special, in which those participating are limited to the
3150 electors of the governmental unit referred to in the text.

3151 (e) Vote or other action of a legislative house or other
3152 governmental body means the vote or action of a majority or
3153 other specified percentage of those members voting on the
3154 matter. "Of the membership" means "of all members thereof."

3155 (f) The terms "judicial office," "justices," and "judges"
3156 shall not include judges of courts established solely for the
3157 trial of violations of ordinances.

3158 (g) "Special law" means a special or local law.

3159 (h) Titles and subtitles shall not be used in
3160 construction.

3161 SECTION 13. Suits against the state.--Provision may be
3162 made by general law for bringing suit against the state as to
3163 all liabilities now existing or hereafter originating.

3164 SECTION 14. State retirement systems benefit changes.--A

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3165 governmental unit responsible for any retirement or pension
 3166 system supported in whole or in part by public funds shall not,
 3167 after January 1, 1977, provide any increase in the benefits to
 3168 the members or beneficiaries of such system unless such unit has
 3169 made or concurrently makes provision for the funding of the
 3170 increase in benefits on a sound actuarial basis.

3171 SECTION 15. State operated lotteries.--

3172 (a) Lotteries may be operated by the state.

3173 ~~(b) If any subsection or subsections of the amendment to~~
 3174 ~~the Florida Constitution are held unconstitutional for~~
 3175 ~~containing more than one subject, this amendment shall be~~
 3176 ~~limited to subsection (a) above.~~

3177 ~~(c) This amendment shall be implemented as follows:~~

3178 ~~(1) Schedule~~ On the effective date of this amendment, The
 3179 lotteries shall be known as the Florida Education Lotteries. Net
 3180 proceeds derived from the lotteries shall be deposited to a
 3181 state trust fund, to be designated The State Education Lotteries
 3182 Trust Fund, to be appropriated by the legislature. The schedule
 3183 may be amended by general law.

3184 SECTION 16. Limiting marine net fishing.--

3185 (a) The marine resources of the State of Florida belong to
 3186 all of the people of the state and should be conserved and
 3187 managed for the benefit of the state, its people, and future
 3188 generations. To this end, the people hereby enact limitations on
 3189 marine net fishing in Florida waters to protect saltwater
 3190 finfish, shellfish, and other marine animals from unnecessary
 3191 killing, overfishing, and waste.

3192 (b) For the purpose of catching or taking any saltwater

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3193 finfish, shellfish, or other marine animals in Florida waters:

3194 (1) No gill nets or other entangling nets shall be used in
 3195 any Florida waters; and

3196 (2) In addition to the prohibition set forth in paragraph
 3197 (1), no other type of net containing more than 500 square feet
 3198 of mesh area shall be used in nearshore and inshore Florida
 3199 waters. Additionally, no more than two such nets, which shall
 3200 not be connected, shall be used from any vessel, and no person
 3201 not on a vessel shall use more than one such net in nearshore
 3202 and inshore Florida waters.

3203 (c) For purposes of this section, the term:

3204 (1) "Gill net" means one or more walls of netting which
 3205 captures saltwater finfish by ensnaring or entangling them in
 3206 the meshes of the net by the gills, and "entangling net" means a
 3207 drift net, trammell net, stab net, or any other net which
 3208 captures saltwater finfish, shellfish, or other marine animals
 3209 by causing all or part of heads, fins, legs, or other body parts
 3210 to become entangled or ensnared in the meshes of the net, but a
 3211 hand-thrown ~~hand-thrown~~ cast net is not a gill net or an
 3212 entangling net;

3213 (2) "Mesh area" of a net means the total area of netting
 3214 with the meshes open to comprise the maximum square footage. The
 3215 square footage shall be calculated using standard mathematical
 3216 formulas for geometric shapes. Seines and other rectangular nets
 3217 shall be calculated using the maximum length and maximum width
 3218 of the netting. Trawls and other bag type nets shall be
 3219 calculated as a cone using the maximum circumference of the net
 3220 mouth to derive the radius, and the maximum length from the net

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3221 mouth to the tail end of the net to derive the slant height.
 3222 Calculations for any other nets or combination type nets shall
 3223 be based on the shapes of the individual components;

3224 (3) "Coastline" means the territorial sea base line for
 3225 the State of Florida established pursuant to the laws of the
 3226 United States of America;

3227 (4) "Florida waters" means the waters of the Atlantic
 3228 Ocean, the Gulf of Mexico, the Straits of Florida, and any other
 3229 bodies of water under the jurisdiction of the State of Florida,
 3230 whether coastal, intracoastal, or inland, and any part thereof;
 3231 and

3232 (5) "Nearshore and inshore Florida waters" means all
 3233 Florida waters inside a line three miles seaward of the
 3234 coastline along the Gulf of Mexico and inside a line one mile
 3235 seaward of the coastline along the Atlantic Ocean.

3236 (d) This section shall not apply to the use of nets for
 3237 scientific research or governmental purposes.

3238 (e) Persons violating this section shall be prosecuted and
 3239 punished pursuant to the penalties provided in s. section
 3240 370.021(2)(a), (b), (c)6. and 7., and (e), Florida Statutes
 3241 (1991), unless and until the legislature enacts more stringent
 3242 penalties for violations hereof. ~~On and after the effective date~~
 3243 ~~of this section,~~ Law enforcement officers in the state are
 3244 authorized to enforce the provisions of this section in the same
 3245 manner and authority as if a violation of this section
 3246 constituted a violation of chapter 370, Florida Statutes (1991).

3247 (f) It is the intent of this section that implementing
 3248 legislation is not required for enforcing any violations hereof,

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3249 but nothing in this section prohibits the establishment by law
 3250 or pursuant to law of more restrictions on the use of nets for
 3251 the purpose of catching or taking any saltwater finfish,
 3252 shellfish, or other marine animals.

3253 (g) If any portion of this section is held invalid for any
 3254 reason, the remaining portion of this section, to the fullest
 3255 extent possible, shall be severed from the void portion and
 3256 given the fullest possible force and application.

3257 ~~(h) This section shall take effect on the July 1 next~~
 3258 ~~occurring after approval hereof by vote of the electors.~~

3259 SECTION 17. Everglades Trust Fund.--

3260 (a) There is hereby established the Everglades Trust Fund,
 3261 which shall not be subject to termination pursuant to Article
 3262 III, section 18(f) ~~19(f)~~. The purpose of the Everglades Trust
 3263 Fund is to make funds available to assist in conservation and
 3264 protection of natural resources and abatement of water pollution
 3265 in the Everglades Protection Area and the Everglades
 3266 Agricultural Area. The trust fund shall be administered by the
 3267 South Florida Water Management District, or its successor
 3268 agency, consistent with statutory law.

3269 (b) The Everglades Trust Fund may receive funds from any
 3270 source, including gifts from individuals, corporations, or other
 3271 entities; funds from general revenue as determined by the
 3272 legislature; and any other funds so designated by the
 3273 legislature, by the United States Congress, or by any other
 3274 governmental entity.

3275 (c) Funds deposited to the Everglades Trust Fund shall be
 3276 expended for purposes of conservation and protection of natural

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3277 resources and abatement of water pollution in the Everglades
 3278 Protection Area and Everglades Agricultural Area.

3279 (d) For purposes of this section ~~subsection~~, the terms
 3280 "Everglades Protection Area," "Everglades Agricultural Area,"
 3281 and "South Florida Water Management District" shall have the
 3282 meanings as defined in statutes in effect on January 1, 1996.

3283 SECTION 18. Disposition of conservation lands.--The fee
 3284 interest in real property held by an entity of the state and
 3285 designated for natural resources conservation purposes as
 3286 provided by general law shall be managed for the benefit of the
 3287 citizens of this state and may be disposed of only if the
 3288 members of the governing board of the entity holding title
 3289 determine the property is no longer needed for conservation
 3290 purposes and only upon a vote of two-thirds of the governing
 3291 board.

3292 ~~SECTION 19. High speed ground transportation system. To~~
 3293 ~~reduce traffic congestion and provide alternatives to the~~
 3294 ~~traveling public, it is hereby declared to be in the public~~
 3295 ~~interest that a high speed ground transportation system~~
 3296 ~~consisting of a monorail, fixed guideway or magnetic levitation~~
 3297 ~~system, capable of speeds in excess of 120 miles per hour, be~~
 3298 ~~developed and operated in the State of Florida to provide high~~
 3299 ~~speed ground transportation by innovative, efficient and~~
 3300 ~~effective technologies consisting of dedicated rails or~~
 3301 ~~guideways separated from motor vehicular traffic that will link~~
 3302 ~~the five largest urban areas of the State as determined by the~~
 3303 ~~Legislature and provide for access to existing air and ground~~
 3304 ~~transportation facilities and services. The Legislature, the~~

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3305 ~~Cabinet and the Governor are hereby directed to proceed with the~~
 3306 ~~development of such a system by the State and/or by a private~~
 3307 ~~entity pursuant to state approval and authorization, including~~
 3308 ~~the acquisition of right of way, the financing of design and~~
 3309 ~~construction of the system, and the operation of the system, as~~
 3310 ~~provided by specific appropriation and by law, with construction~~
 3311 ~~to begin on or before November 1, 2003.~~

3312 SECTION 19 ~~20~~. Workplaces without tobacco smoke.--

3313 (a) PROHIBITION.--As a Florida health initiative to
 3314 protect people from the health hazards of second-hand tobacco
 3315 smoke, tobacco smoking is prohibited in enclosed indoor
 3316 workplaces.

3317 (b) EXCEPTIONS.--As further explained in the definitions
 3318 below, tobacco smoking may be permitted in private residences
 3319 whenever they are not being used commercially to provide child
 3320 care, adult care, or health care, or any combination thereof;
 3321 and further may be permitted in retail tobacco shops, designated
 3322 smoking guest rooms at hotels and other public lodging
 3323 establishments; and stand-alone bars. However, nothing in this
 3324 section or in its implementing legislation or regulations shall
 3325 prohibit the owner, lessee, or other person in control of the
 3326 use of an enclosed indoor workplace from further prohibiting or
 3327 limiting smoking therein.

3328 (c) DEFINITIONS.--For purposes of this section, the
 3329 following words and terms shall have the stated meanings:

3330 (1) "Smoking" means inhaling, exhaling, burning, carrying,
 3331 or possessing any lighted tobacco product, including cigarettes,
 3332 cigars, pipe tobacco, and any other lighted tobacco product.

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3333 (2) "Second-hand smoke," also known as environmental
 3334 tobacco smoke ~~(ETS)~~, means smoke emitted from lighted,
 3335 smoldering, or burning tobacco when the smoker is not inhaling;
 3336 smoke emitted at the mouthpiece during puff drawing; and smoke
 3337 exhaled by the smoker.

3338 (3) "Work" means any person's providing any employment or
 3339 employment-type service for or at the request of another
 3340 individual or individuals or any public or private entity,
 3341 whether for compensation or not, whether full or part-time,
 3342 whether legally or not. "Work" includes, without limitation, any
 3343 such service performed by an employee, independent contractor,
 3344 agent, partner, proprietor, manager, officer, director,
 3345 apprentice, trainee, associate, servant, volunteer, and the
 3346 like.

3347 (4) "Enclosed indoor workplace" means any place where one
 3348 or more persons engages in work, and which place is
 3349 predominantly or totally bounded on all sides and above by
 3350 physical barriers, regardless of whether such barriers consist
 3351 of or include uncovered openings, screened or otherwise
 3352 partially covered openings; or open or closed windows,
 3353 jalousies, doors, or the like. This section applies to all such
 3354 enclosed indoor workplaces without regard to whether work is
 3355 occurring at any given time.

3356 (5) "Commercial" use of a private residence means any time
 3357 during which the owner, lessee, or other person occupying or
 3358 controlling the use of the private residence is furnishing in
 3359 the private residence, or causing or allowing to be furnished in
 3360 the private residence, child care, adult care, or health care,

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3361 or any combination thereof, and receiving or expecting to
 3362 receive compensation therefor.

3363 (6) "Retail tobacco shop" means any enclosed indoor
 3364 workplace dedicated to or predominantly for the retail sale of
 3365 tobacco, tobacco products, and accessories for such products, in
 3366 which the sale of other products or services is merely
 3367 incidental.

3368 (7) "Designated smoking guest rooms at public lodging
 3369 establishments" means the sleeping rooms and directly associated
 3370 private areas, such as bathrooms, living rooms, and kitchen
 3371 areas, if any, rented to guests for their exclusive transient
 3372 occupancy in public lodging establishments including hotels,
 3373 motels, resort condominiums, transient apartments, transient
 3374 lodging establishments, rooming houses, boarding houses, resort
 3375 dwellings, bed and breakfast inns, and the like; and designated
 3376 by the person or persons having management authority over such
 3377 public lodging establishment as rooms in which smoking may be
 3378 permitted.

3379 (8) "Stand-alone bar" means any place of business devoted
 3380 during any time of operation predominantly or totally to serving
 3381 alcoholic beverages, intoxicating beverages, or intoxicating
 3382 liquors, or any combination thereof, for consumption on the
 3383 licensed premises; in which the serving of food, if any, is
 3384 merely incidental to the consumption of any such beverage; and
 3385 that is not located within, and does not share any common
 3386 entryway or common indoor area with, any other enclosed indoor
 3387 workplace including any business for which the sale of food or
 3388 any other product or service is more than an incidental source

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3389 of gross revenue.

3390 (d) LEGISLATION. ~~In the next regular legislative session~~
 3391 ~~occurring after voter approval of this amendment,~~ The Florida
 3392 legislature shall adopt legislation to implement this amendment
 3393 in a manner consistent with its broad purpose and stated terms,
 3394 ~~and having an effective date no later than July 1 of the year~~
 3395 ~~following voter approval.~~ Such legislation shall include,
 3396 without limitation, civil penalties for violations of this
 3397 section; provisions for administrative enforcement; and the
 3398 requirement and authorization of agency rules for implementation
 3399 and enforcement. Nothing herein shall preclude the legislature
 3400 from enacting any law constituting or allowing a more
 3401 restrictive regulation of tobacco smoking than is provided in
 3402 this section.

3403 ~~SECTION 21. Limiting cruel and inhumane confinement of~~
 3404 ~~pigs during pregnancy. Inhumane treatment of animals is a~~
 3405 ~~concern of Florida citizens. To prevent cruelty to certain~~
 3406 ~~animals and as recommended by The Humane Society of the United~~
 3407 ~~States, the people of the State of Florida hereby limit the~~
 3408 ~~cruel and inhumane confinement of pigs during pregnancy as~~
 3409 ~~provided herein.~~

3410 ~~(a) It shall be unlawful for any person to confine a pig~~
 3411 ~~during pregnancy in an enclosure, or to tether a pig during~~
 3412 ~~pregnancy, on a farm in such a way that she is prevented from~~
 3413 ~~turning around freely.~~

3414 ~~(b) This section shall not apply.~~

3415 ~~(1) When a pig is undergoing an examination, test,~~
 3416 ~~treatment or operation carried out for veterinary purposes,~~

3417 ~~provided the period during which the animal is confined or~~
 3418 ~~tethered is not longer than reasonably necessary.~~

3419 ~~(2) During the prebirthing period.~~

3420 ~~(c) For purposes of this section:~~

3421 ~~(1) "Enclosure" means any cage, crate or other enclosure~~
 3422 ~~in which a pig is kept for all or the majority of any day,~~
 3423 ~~including what is commonly described as the "gestation crate."~~

3424 ~~(2) "Farm" means the land, buildings, support facilities,~~
 3425 ~~and other appurtenances used in the production of animals for~~
 3426 ~~food or fiber.~~

3427 ~~(3) "Person" means any natural person, corporation and/or~~
 3428 ~~business entity.~~

3429 ~~(4) "Pig" means any animal of the porcine species.~~

3430 ~~(5) "Turning around freely" means turning around without~~
 3431 ~~having to touch any side of the pig's enclosure.~~

3432 ~~(6) "Prebirthing period" means the seven day period prior~~
 3433 ~~to a pig's expected date of giving birth.~~

3434 ~~(d) A person who violates this section shall be guilty of~~
 3435 ~~a misdemeanor of the first degree, punishable as provided in s.~~
 3436 ~~775.082(4) (a), Florida Statutes (1999), as amended, or by a fine~~
 3437 ~~of not more than \$5000, or by both imprisonment and a fine,~~
 3438 ~~unless and until the legislature enacts more stringent penalties~~
 3439 ~~for violations hereof. On and after the effective date of this~~
 3440 ~~section, law enforcement officers in the state are authorized to~~
 3441 ~~enforce the provisions of this section in the same manner and~~
 3442 ~~authority as if a violation of this section constituted a~~
 3443 ~~violation of Section 828.13, Florida Statutes (1999). The~~
 3444 ~~confinement or tethering of each pig shall constitute a separate~~

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3445 ~~offense. The knowledge or acts of agents and employees of a~~
 3446 ~~person in regard to a pig owned, farmed or in the custody of a~~
 3447 ~~person, shall be held to be the knowledge or act of such person.~~

3448 ~~(e) It is the intent of this section that implementing~~
 3449 ~~legislation is not required for enforcing any violations hereof.~~

3450 ~~(f) If any portion of this section is held invalid for any~~
 3451 ~~reason, the remaining portion of this section, to the fullest~~
 3452 ~~extent possible, shall be severed from the void portion and~~
 3453 ~~given the fullest possible force and application.~~

3454 ~~(g) This section shall take effect six years after~~
 3455 ~~approval by the electors.~~

3456 SECTION 20 ~~22~~. Parental notice of termination of a minor's
 3457 pregnancy.--The legislature shall not limit or deny the privacy
 3458 right guaranteed to a minor under the United States Constitution
 3459 as interpreted by the United States Supreme Court.

3460 Notwithstanding a minor's right of privacy provided in Article
 3461 I, section 23 ~~of Article I~~, the legislature is authorized to
 3462 require by general law for notification to a parent or guardian
 3463 of a minor before the termination of the minor's pregnancy. The
 3464 legislature shall provide exceptions to such requirement for
 3465 notification and shall create a process for judicial waiver of
 3466 the notification.

3467 SECTION 21 ~~23~~. Slot machines.--

3468 ~~(a) After voter approval of this constitutional amendment,~~
 3469 The governing bodies of Miami-Dade and Broward Counties each may
 3470 hold a countywide ~~county wide~~ referendum in their respective
 3471 counties on whether to authorize slot machines within existing,
 3472 licensed pari-mutuel ~~parimutuel~~ facilities (thoroughbred and

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3473 harness racing, greyhound racing, and jai-alai) that have
 3474 conducted live racing or games in that county during ~~each of the~~
 3475 ~~last two~~ calendar years 2002 and 2003 ~~before the effective date~~
 3476 ~~of this amendment~~. If the voters of such county approve the
 3477 referendum question by majority vote, slot machines shall be
 3478 authorized in such parimutuel facilities. If the voters of such
 3479 county by majority vote disapprove the referendum question, slot
 3480 machines shall not be so authorized, and the question shall not
 3481 be presented in another referendum in that county for at least
 3482 two years.

3483 (b) ~~In the next regular Legislative session occurring~~
 3484 ~~after voter approval of this constitutional amendment,~~ The
 3485 legislature shall adopt legislation implementing this section
 3486 ~~and having an effective date no later than July 1 of the year~~
 3487 ~~following voter approval of this amendment~~. Such legislation
 3488 shall authorize agency rules for implementation, and may include
 3489 provisions for the licensure and regulation of slot machines.
 3490 The legislature may tax slot machine revenues, and any such
 3491 taxes must supplement public education funding statewide.

3492 (c) If any part of this section is held invalid for any
 3493 reason, the remaining portion or portions shall be severed from
 3494 the invalid portion and given the fullest possible force and
 3495 effect.

3496 ~~(d) This amendment shall become effective when approved by~~
 3497 ~~vote of the electors of the state.~~

3498 ~~SECTION 24. Florida minimum wage.~~

3499 ~~(a) PUBLIC POLICY. All working Floridians are entitled to~~
 3500 ~~be paid a minimum wage that is sufficient to provide a decent~~

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3501 ~~and healthy life for them and their families, that protects~~
 3502 ~~their employers from unfair low wage competition, and that does~~
 3503 ~~not force them to rely on taxpayer-funded public services in~~
 3504 ~~order to avoid economic hardship.~~

3505 ~~(b) DEFINITIONS. As used in this amendment, the terms~~
 3506 ~~"Employer," "Employee" and "Wage" shall have the meanings~~
 3507 ~~established under the federal Fair Labor Standards Act (FLSA)~~
 3508 ~~and its implementing regulations.~~

3509 ~~(c) MINIMUM WAGE. Employers shall pay Employees Wages no~~
 3510 ~~less than the Minimum Wage for all hours worked in Florida. Six~~
 3511 ~~months after enactment, the Minimum Wage shall be established at~~
 3512 ~~an hourly rate of \$6.15. On September 30th of that year and on~~
 3513 ~~each following September 30th, the state Agency for Workforce~~
 3514 ~~Innovation shall calculate an adjusted Minimum Wage rate by~~
 3515 ~~increasing the current Minimum Wage rate by the rate of~~
 3516 ~~inflation during the twelve months prior to each September 1st~~
 3517 ~~using the consumer price index for urban wage earners and~~
 3518 ~~clerical workers, CPI W, or a successor index as calculated by~~
 3519 ~~the United States Department of Labor. Each adjusted Minimum~~
 3520 ~~Wage rate calculated shall be published and take effect on the~~
 3521 ~~following January 1st. For tipped Employees meeting eligibility~~
 3522 ~~requirements for the tip credit under the FLSA, Employers may~~
 3523 ~~credit towards satisfaction of the Minimum Wage tips up to the~~
 3524 ~~amount of the allowable FLSA tip credit in 2003.~~

3525 ~~(d) RETALIATION PROHIBITED. It shall be unlawful for an~~
 3526 ~~Employer or any other party to discriminate in any manner or~~
 3527 ~~take adverse action against any person in retaliation for~~
 3528 ~~exercising rights protected under this amendment. Rights~~

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3529 ~~protected under this amendment include, but are not limited to,~~
 3530 ~~the right to file a complaint or inform any person about any~~
 3531 ~~party's alleged noncompliance with this amendment, and the right~~
 3532 ~~to inform any person of his or her potential rights under this~~
 3533 ~~amendment and to assist him or her in asserting such rights.~~

3534 ~~(e) ENFORCEMENT. Persons aggrieved by a violation of this~~
 3535 ~~amendment may bring a civil action in a court of competent~~
 3536 ~~jurisdiction against an Employer or person violating this~~
 3537 ~~amendment and, upon prevailing, shall recover the full amount of~~
 3538 ~~any back wages unlawfully withheld plus the same amount as~~
 3539 ~~liquidated damages, and shall be awarded reasonable attorney's~~
 3540 ~~fees and costs. In addition, they shall be entitled to such~~
 3541 ~~legal or equitable relief as may be appropriate to remedy the~~
 3542 ~~violation including, without limitation, reinstatement in~~
 3543 ~~employment and/or injunctive relief. Any Employer or other~~
 3544 ~~person found liable for willfully violating this amendment shall~~
 3545 ~~also be subject to a fine payable to the state in the amount of~~
 3546 ~~\$1000.00 for each violation. The state attorney general or other~~
 3547 ~~official designated by the state legislature may also bring a~~
 3548 ~~civil action to enforce this amendment. Actions to enforce this~~
 3549 ~~amendment shall be subject to a statute of limitations of four~~
 3550 ~~years or, in the case of willful violations, five years. Such~~
 3551 ~~actions may be brought as a class action pursuant to Rule 1.220~~
 3552 ~~of the Florida Rules of Civil Procedure.~~

3553 ~~(f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND~~
 3554 ~~CONSTRUCTION. Implementing legislation is not required in order~~
 3555 ~~to enforce this amendment. The state legislature may by statute~~
 3556 ~~establish additional remedies or fines for violations of this~~

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3557 ~~amendment, raise the applicable Minimum Wage rate, reduce the~~
 3558 ~~tip credit, or extend coverage of the Minimum Wage to employers~~
 3559 ~~or employees not covered by this amendment. The state~~
 3560 ~~legislature may by statute or the state Agency for Workforce~~
 3561 ~~Innovation may by regulation adopt any measures appropriate for~~
 3562 ~~the implementation of this amendment. This amendment provides~~
 3563 ~~for payment of a minimum wage and shall not be construed to~~
 3564 ~~preempt or otherwise limit the authority of the state~~
 3565 ~~legislature or any other public body to adopt or enforce any~~
 3566 ~~other law, regulation, requirement, policy or standard that~~
 3567 ~~provides for payment of higher or supplemental wages or~~
 3568 ~~benefits, or that extends such protections to employers or~~
 3569 ~~employees not covered by this amendment. It is intended that~~
 3570 ~~ease law, administrative interpretations, and other guiding~~
 3571 ~~standards developed under the federal FLSA shall guide the~~
 3572 ~~construction of this amendment and any implementing statutes or~~
 3573 ~~regulations.~~

3574 ~~(g) SEVERABILITY. If any part of this amendment, or the~~
 3575 ~~application of this amendment to any person or circumstance, is~~
 3576 ~~held invalid, the remainder of this amendment, including the~~
 3577 ~~application of such part to other persons or circumstances,~~
 3578 ~~shall not be affected by such a holding and shall continue in~~
 3579 ~~full force and effect. To this end, the parts of this amendment~~
 3580 ~~are severable.~~

3581 ~~SECTION 25. Patients' right to know about adverse medical~~
 3582 ~~incidents.~~

3583 ~~(a) In addition to any other similar rights provided~~
 3584 ~~herein or by general law, patients have a right to have access~~

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3585 ~~to any records made or received in the course of business by a~~
 3586 ~~health care facility or provider relating to any adverse medical~~
 3587 ~~incident.~~

3588 ~~(b) In providing such access, the identity of patients~~
 3589 ~~involved in the incidents shall not be disclosed, and any~~
 3590 ~~privacy restrictions imposed by federal law shall be maintained.~~

3591 ~~(c) For purposes of this section, the following terms have~~
 3592 ~~the following meanings:~~

3593 ~~(1) The phrases "health care facility" and "health care~~
 3594 ~~provider" have the meaning given in general law related to a~~
 3595 ~~patient's rights and responsibilities.~~

3596 ~~(2) The term "patient" means an individual who has sought,~~
 3597 ~~is seeking, is undergoing, or has undergone care or treatment in~~
 3598 ~~a health care facility or by a health care provider.~~

3599 ~~(3) The phrase "adverse medical incident" means medical~~
 3600 ~~negligence, intentional misconduct, and any other act, neglect,~~
 3601 ~~or default of a health care facility or health care provider~~
 3602 ~~that caused or could have caused injury to or death of a~~
 3603 ~~patient, including, but not limited to, those incidents that are~~
 3604 ~~required by state or federal law to be reported to any~~
 3605 ~~governmental agency or body, and incidents that are reported to~~
 3606 ~~or reviewed by any health care facility peer review, risk~~
 3607 ~~management, quality assurance, credentials, or similar~~
 3608 ~~committee, or any representative of any such committees.~~

3609 ~~(4) The phrase "have access to any records" means, in~~
 3610 ~~addition to any other procedure for producing such records~~
 3611 ~~provided by general law, making the records available for~~
 3612 ~~inspection and copying upon formal or informal request by the~~

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3613 ~~patient or a representative of the patient, provided that~~
 3614 ~~current records which have been made publicly available by~~
 3615 ~~publication or on the Internet may be "provided" by reference to~~
 3616 ~~the location at which the records are publicly available.~~

3617 ~~SECTION 26. Prohibition of medical license after repeated~~
 3618 ~~medical malpractice.~~

3619 ~~(a) No person who has been found to have committed three~~
 3620 ~~or more incidents of medical malpractice shall be licensed or~~
 3621 ~~continue to be licensed by the State of Florida to provide~~
 3622 ~~health care services as a medical doctor.~~

3623 ~~(b) For purposes of this section, the following terms have~~
 3624 ~~the following meanings:~~

3625 ~~(1) The phrase "medical malpractice" means both the~~
 3626 ~~failure to practice medicine in Florida with that level of care,~~
 3627 ~~skill, and treatment recognized in general law related to health~~
 3628 ~~care providers' licensure, and any similar wrongful act,~~
 3629 ~~neglect, or default in other states or countries which, if~~
 3630 ~~committed in Florida, would have been considered medical~~
 3631 ~~malpractice.~~

3632 ~~(2) The phrase "found to have committed" means that the~~
 3633 ~~malpractice has been found in a final judgment of a court of~~
 3634 ~~law, final administrative agency decision, or decision of~~
 3635 ~~binding arbitration.~~

3636

3637 ARTICLE XI

3638 AMENDMENTS

3639

3640 SECTION 1. Proposal by legislature.--Amendment of a

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3641 section or revision of one or more articles, or the whole, of
 3642 this constitution may be proposed by joint resolution agreed to
 3643 by three-fifths of the membership of each house of the
 3644 legislature. The full text of the joint resolution and the vote
 3645 of each member voting shall be entered on the journal of each
 3646 house.

3647 SECTION 2. Revision commission.--

3648 (a) Within thirty days before the convening of the 2017
 3649 regular session of the legislature, and each twentieth year
 3650 thereafter, there shall be established a constitution revision
 3651 commission composed of the following thirty-seven members:

- 3652 (1) The attorney general of the state;
- 3653 (2) Fifteen members selected by the governor;
- 3654 (3) Nine members selected by the speaker of the house of
 3655 representatives and nine members selected by the president of
 3656 the senate; and
- 3657 (4) Three members selected by the Chief Justice of the
 3658 Supreme Court of Florida with the advice of the justices.

3659 (b) The governor shall designate one member of the
 3660 commission as its chair. Vacancies in the membership of the
 3661 commission shall be filled in the same manner as the original
 3662 appointments.

3663 (c) Each constitution revision commission shall convene at
 3664 the call of its chair, adopt its rules of procedure, examine the
 3665 constitution of the state, hold public hearings, and, not later
 3666 than one hundred eighty days prior to the next general election,
 3667 file with the custodian of state records its proposal, if any,
 3668 of a revision of this constitution or any part of it.

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3669 SECTION 3. Initiative.--The power to propose the revision
 3670 or amendment of any portion or portions of this constitution by
 3671 initiative is reserved to the people, provided that, any such
 3672 revision or amendment, except for those limiting the power of
 3673 government to raise revenue, shall embrace but one subject and
 3674 matter directly connected therewith. It may be invoked by filing
 3675 with the custodian of state records a petition containing a copy
 3676 of the proposed revision or amendment, signed by a number of
 3677 electors in each of one half of the congressional districts of
 3678 the state, and of the state as a whole, equal to eight percent
 3679 of the votes cast in each of such districts respectively and in
 3680 the state as a whole in the last preceding election in which
 3681 presidential electors were chosen.

3682 SECTION 4. Constitutional convention.--

3683 (a) The power to call a convention to consider a revision
 3684 of the entire constitution is reserved to the people. It may be
 3685 invoked by filing with the custodian of state records a
 3686 petition, containing a declaration that a constitutional
 3687 convention is desired, signed by a number of electors in each of
 3688 one half of the congressional districts of the state, and of the
 3689 state as a whole, equal to fifteen percent ~~per cent~~ of the votes
 3690 cast in each such district respectively and in the state as a
 3691 whole in the last preceding election of presidential electors.

3692 (b) At the next general election held more than ninety
 3693 days after the filing of such petition, there shall be submitted
 3694 to the electors of the state the question: "Shall a
 3695 constitutional convention be held?" If a majority voting on the
 3696 question votes in the affirmative, at the next succeeding

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3697 | general election there shall be elected from each representative
 3698 | district a member of a constitutional convention. On the twenty-
 3699 | first day following that election, the convention shall sit at
 3700 | the capital, elect officers, adopt rules of procedure, judge the
 3701 | election of its membership, and fix a time and place for its
 3702 | future meetings. Not later than ninety days before the next
 3703 | succeeding general election, the convention shall cause to be
 3704 | filed with the custodian of state records any revision of this
 3705 | constitution proposed by it.

3706 | SECTION 5. Amendment or revision election.--

3707 | (a) A proposed amendment to or revision of this
 3708 | constitution, or any part of it, shall be submitted to the
 3709 | electors at the next general election held more than ninety days
 3710 | after the joint resolution or report of revision commission,
 3711 | constitutional convention, or taxation and budget reform
 3712 | commission proposing it is filed with the custodian of state
 3713 | records, unless, pursuant to law enacted by the affirmative vote
 3714 | of three-fourths of the membership of each house of the
 3715 | legislature and limited to a single amendment or revision, it is
 3716 | submitted at an earlier special election held more than ninety
 3717 | days after such filing.

3718 | (b) A proposed amendment or revision of this constitution,
 3719 | or any part of it, by initiative shall be submitted to the
 3720 | electors at the general election provided the initiative
 3721 | petition is filed with the custodian of state records no later
 3722 | than February 1 of the year in which the general election is
 3723 | held.

3724 | (c) The legislature shall provide by general law, prior to

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3725 the holding of an election pursuant to this section, for the
 3726 provision of a statement to the public regarding the probable
 3727 financial impact of any amendment proposed by initiative
 3728 pursuant to section 3.

3729 (d) Once in the tenth week, and once in the sixth week
 3730 immediately preceding the week in which the election is held,
 3731 the proposed amendment or revision, with notice of the date of
 3732 election at which it will be submitted to the electors, shall be
 3733 published in one newspaper of general circulation in each county
 3734 in which a newspaper is published.

3735 (e) If the proposed amendment or revision is approved by
 3736 vote of the electors, it shall be effective as an amendment to
 3737 or revision of the constitution of the state on the first
 3738 Tuesday after the first Monday in January following the
 3739 election, or on such other date as may be specified in the
 3740 amendment or revision.

3741 SECTION 6. Taxation and budget reform commission.--

3742 (a) Beginning in 2007 and each twentieth year thereafter,
 3743 there shall be established a taxation and budget reform
 3744 commission composed of the following members:

3745 (1) Eleven members selected by the governor, none of whom
 3746 shall be a member of the legislature at the time of appointment.

3747 (2) Seven members selected by the speaker of the house of
 3748 representatives and seven members selected by the president of
 3749 the senate, none of whom shall be a member of the legislature at
 3750 the time of appointment.

3751 (3) Four nonvoting ~~non-voting~~ ex officio members, all of
 3752 whom shall be members of the legislature at the time of

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3753 appointment. Two of these members, one of whom shall be a member
 3754 of the minority party in the house of representatives, shall be
 3755 selected by the speaker of the house of representatives, and two
 3756 of these members, one of whom shall be a member of the minority
 3757 party in the senate, shall be selected by the president of the
 3758 senate.

3759 (b) Vacancies in the membership of the commission shall be
 3760 filled in the same manner as the original appointments.

3761 (c) At its initial meeting, the members of the commission
 3762 shall elect a member who is not a member of the legislature to
 3763 serve as chair and the commission shall adopt its rules of
 3764 procedure. Thereafter, the commission shall convene at the call
 3765 of the chair. An affirmative vote of two thirds of the full
 3766 commission shall be necessary for any revision of this
 3767 constitution or any part of it to be proposed by the commission.

3768 (d) The commission shall examine the state budgetary
 3769 process, the revenue needs and expenditure processes of the
 3770 state, the appropriateness of the tax structure of the state,
 3771 and governmental productivity and efficiency; review policy as
 3772 it relates to the ability of state and local government to tax
 3773 and adequately fund governmental operations and capital
 3774 facilities required to meet the state's needs during the next
 3775 twenty year period; determine methods favored by the citizens of
 3776 the state to fund the needs of the state, including alternative
 3777 methods for raising sufficient revenues for the needs of the
 3778 state; determine measures that could be instituted to
 3779 effectively gather funds from existing tax sources; examine
 3780 constitutional limitations on taxation and expenditures at the

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3781 state and local level; and review the state's comprehensive
 3782 planning, budgeting, and needs assessment processes to determine
 3783 whether the resulting information adequately supports a
 3784 strategic decisionmaking process.

3785 (e) The commission shall hold public hearings as it deems
 3786 necessary to carry out its responsibilities under this section.
 3787 The commission shall issue a report of the results of the review
 3788 carried out, and propose to the legislature any recommended
 3789 statutory changes related to the taxation or budgetary laws of
 3790 the state. Not later than one hundred eighty days prior to the
 3791 next general election ~~in the second year following the year in~~
 3792 ~~which the commission is established~~, the commission shall file
 3793 with the custodian of state records its proposal, if any, of a
 3794 revision of this constitution or any part of it dealing with
 3795 taxation or the state budgetary process.

3796 SECTION 7. Tax or fee limitation.--Notwithstanding Article
 3797 X, section 12(d) ~~of this constitution~~, no new state tax or fee
 3798 shall be imposed on or after November 8, 1994, by any amendment
 3799 to this constitution unless the proposed amendment is approved
 3800 by not fewer than two-thirds of the voters voting in the
 3801 election in which such proposed amendment is considered. For
 3802 purposes of this section, the phrase "new state tax or fee"
 3803 shall mean any tax or fee that ~~which~~ would produce revenue
 3804 subject to lump sum or other appropriation by the legislature,
 3805 either for the state general revenue fund or any trust fund,
 3806 which tax or fee is not in effect on November 7, 1994, including
 3807 without limitation such taxes and fees as are the subject of
 3808 proposed constitutional amendments appearing on the ballot on

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3809 November 8, 1994. This section shall apply to proposed
 3810 constitutional amendments relating to state taxes or fees that
 3811 ~~which~~ appear on the November 8, 1994, ballot, or later ballots,
 3812 and any such proposed amendment that ~~which~~ fails to gain the
 3813 two-thirds vote required hereby shall be null, void, and without
 3814 effect.

3815
 3816 ARTICLE XII
 3817 SCHEDULE
 3818

3819 SECTION 1. Constitution of 1885 superseded.--Articles I
 3820 through IV, VII, and IX through XX of the Constitution of
 3821 Florida adopted in 1885, as amended from time to time, are
 3822 superseded by this revision except those sections expressly
 3823 retained and made a part of this revision by reference.

3824 SECTION 2. Property taxes; millages.--Tax millages
 3825 authorized in counties, municipalities, and special districts,
 3826 on the date this revision becomes effective, may be continued
 3827 until reduced by law.

3828 ~~SECTION 3. Officers to continue in office. Every person~~
 3829 ~~holding office when this revision becomes effective shall~~
 3830 ~~continue in office for the remainder of the term if that office~~
 3831 ~~is not abolished. If the office is abolished the incumbent shall~~
 3832 ~~be paid adequate compensation, to be fixed by law, for the loss~~
 3833 ~~of emoluments for the remainder of the term.~~

3834 ~~SECTION 4. State commissioner of education. The state~~
 3835 ~~superintendent of public instruction in office on the effective~~
 3836 ~~date of this revision shall become and, for the remainder of the~~

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3837 ~~term being served, shall be the commissioner of education.~~

3838 SECTION 3 5. Superintendent of schools.--

3839 ~~(a) On the effective date of this revision the county~~
 3840 ~~superintendent of public instruction of each county shall become~~
 3841 ~~and, for the remainder of the term being served, shall be the~~
 3842 ~~superintendent of schools of that district.~~

3843 ~~(b)~~ The method of selection of the county superintendent
 3844 of public instruction of each county, as provided by or under
 3845 the constitution of 1885, as amended, shall apply to the
 3846 selection of the district superintendent of schools until
 3847 changed as herein provided.

3848 SECTION 4 6. Laws preserved.--

3849 (a) All laws in effect upon the adoption of this revision,
 3850 to the extent not inconsistent with it, shall remain in force
 3851 until they expire by their terms or are repealed.

3852 (b) All statutes that ~~which~~, under the constitution of
 3853 1885, as amended, apply to the state superintendent of public
 3854 instruction and those that ~~which~~ apply to the county
 3855 superintendent of public instruction shall under this revision
 3856 apply, respectively, to the state commissioner of education and
 3857 the district superintendent of schools.

3858 SECTION 5 7. Rights reserved.--

3859 (a) All actions, rights of action, claims, contracts, and
 3860 obligations of individuals, corporations, and public bodies or
 3861 agencies existing on the date this revision becomes effective
 3862 shall continue to be valid as if this revision had not been
 3863 adopted. All taxes, penalties, fines and forfeitures owing to
 3864 the state under the constitution of 1885, as amended, shall

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3865 inure to the state under this revision, and all sentences as
 3866 punishment for crime shall be executed according to their terms.

3867 (b) This revision shall not be retroactive so as to create
 3868 any right or liability that ~~which~~ did not exist under the
 3869 constitution of 1885, as amended, based upon matters occurring
 3870 prior to the adoption of this revision.

3871 SECTION 6 ~~8~~. Public debts recognized.--All bonds, revenue
 3872 certificates, revenue bonds, and tax anticipation certificates
 3873 issued pursuant to the constitution of 1885, as amended by the
 3874 state, any agency, political subdivision, or public corporation
 3875 of the state shall remain in full force and effect and shall be
 3876 secured by the same sources of revenue as before the adoption of
 3877 this revision, and, to the extent necessary to effectuate this
 3878 section, the applicable provisions of the constitution of 1885,
 3879 as amended, are retained as a part of this revision until
 3880 payment in full of these public securities.

3881 SECTION 7 ~~9~~. Bonds.--

3882 (a) ADDITIONAL SECURITIES.--

3883 (1) Article IX, section 17, of the constitution of 1885,
 3884 as amended, as it existed immediately before this Constitution,
 3885 as revised in 1968, became effective, is adopted by this
 3886 reference as a part of this revision as completely as though
 3887 incorporated herein verbatim, except revenue bonds, revenue
 3888 certificates, or other evidences of indebtedness hereafter
 3889 issued thereunder may be issued by the agency of the state so
 3890 authorized by law.

3891 (2) a. That portion of Article XII, section 7(a), ~~9,~~
 3892 ~~Subsection (a)~~ of this Constitution, as amended, which by

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3893 reference adopted Article XII, section 19, of the constitution
 3894 of 1885, as amended, as the same existed immediately before the
 3895 effective date of this amendment is adopted by this reference as
 3896 part of this revision as completely as though incorporated
 3897 herein verbatim, for the purpose of providing that after the
 3898 effective date of this amendment all of the proceeds of the
 3899 revenues derived from the gross receipts taxes, as therein
 3900 defined, collected in each year shall be applied as provided
 3901 therein to the extent necessary to comply with all obligations
 3902 to or for the benefit of holders of bonds or certificates issued
 3903 before the effective date of this amendment or any refundings
 3904 thereof that ~~which~~ are secured by such gross receipts taxes. No
 3905 bonds or other obligations may be issued pursuant to the
 3906 provisions of Article XII, section 19, of the constitution of
 3907 1885, as amended, but this provision shall not be construed to
 3908 prevent the refunding of any such outstanding bonds or
 3909 obligations pursuant to the provisions of this paragraph
 3910 ~~subsection (a)(2)~~.

3911 b. Subject to the requirements of subparagraph a. ~~the~~
 3912 ~~first paragraph of this subsection (a)(2)~~, beginning July 1,
 3913 1975, all of the proceeds of the revenues derived from the gross
 3914 receipts taxes collected from every person, including
 3915 municipalities, as provided and levied pursuant to the
 3916 provisions of chapter 203, Florida Statutes, as such chapter is
 3917 amended from time to time, shall, as collected, be placed in a
 3918 trust fund to be known as the "public education capital outlay
 3919 and debt service trust fund" in the state treasury (hereinafter
 3920 referred to as "capital outlay fund"), and used only as provided

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3921 herein.

3922 c. The capital outlay fund shall be administered by the

3923 state board of education as created and constituted by Article

3924 IX, section 2, ~~of Article IX~~ of this ~~the~~ constitution of ~~Florida~~

3925 ~~as revised in 1968~~ (hereinafter referred to as "state board"),

3926 or by such other instrumentality of the state that ~~which~~ shall

3927 hereafter succeed by law to the powers, duties, and functions of

3928 the state board, including the powers, duties, and functions of

3929 the state board provided in this paragraph ~~subsection (a) (2)~~.

3930 The state board shall be a body corporate and shall have all the

3931 powers provided herein in addition to all other constitutional

3932 and statutory powers related to the purposes of this paragraph

3933 ~~subsection (a) (2)~~ heretofore or hereafter conferred by law upon

3934 the state board, or its predecessor created by the constitution

3935 of 1885, as amended.

3936 d. State bonds pledging the full faith and credit of the

3937 state may be issued, without a vote of the electors, by the

3938 state board pursuant to law to finance or refinance capital

3939 projects theretofore authorized by the legislature, and any

3940 purposes appurtenant or incidental thereto, for the state system

3941 of public education provided for in Article IX, section 1, ~~of~~

3942 ~~Article IX~~ of this constitution (hereinafter referred to as

3943 "state system"), including but not limited to institutions of

3944 higher learning, community colleges, vocational technical

3945 schools, or public schools, as now defined or as may hereafter

3946 be defined by law. All such bonds shall mature not later than

3947 thirty years after the date of issuance thereof. All other

3948 details of such bonds shall be as provided by law or by the

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3949 | proceedings authorizing such bonds; provided, however, that no
 3950 | bonds, except refunding bonds, shall be issued, and no proceeds
 3951 | shall be expended for the cost of any capital project, unless
 3952 | such project has been authorized by the legislature.

3953 | e. Bonds issued pursuant to this paragraph subsection
 3954 | ~~(a)(2)~~ shall be primarily payable from such revenues derived
 3955 | from gross receipts taxes, and shall be additionally secured by
 3956 | the full faith and credit of the state. No such bonds shall ever
 3957 | be issued in an amount exceeding ninety percent of the amount
 3958 | that ~~which~~ the state board determines can be serviced by the
 3959 | revenues derived from the gross receipts taxes accruing
 3960 | thereafter under the provisions of this paragraph subsection
 3961 | ~~(a)(2)~~, and such determination shall be conclusive.

3962 | f. The moneys in the capital outlay fund in each fiscal
 3963 | year shall be used only for the following purposes and in the
 3964 | following order of priority:

3965 | ~~1.a.~~ For the payment of the principal of and interest on
 3966 | any bonds due in such fiscal year;

3967 | ~~2.b.~~ For the deposit into any reserve funds provided for
 3968 | in the proceedings authorizing the issuance of bonds of any
 3969 | amounts required to be deposited in such reserve funds in such
 3970 | fiscal year;

3971 | ~~3.c.~~ For direct payment of the cost or any part of the
 3972 | cost of any capital project for the state system theretofore
 3973 | authorized by the legislature, or for the purchase or redemption
 3974 | of outstanding bonds in accordance with the provisions of the
 3975 | proceedings that ~~which~~ authorized the issuance of such bonds, or
 3976 | for the purpose of maintaining, restoring, or repairing existing

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3977 public educational facilities.

3978 (b) REFUNDING BONDS.--Revenue bonds to finance the cost of
 3979 state capital projects issued prior to the date this revision
 3980 becomes effective, including projects of the Florida state
 3981 turnpike authority or its successor but excluding all portions
 3982 of the state highway system, may be refunded as provided by law
 3983 without vote of the electors at a lower net average interest
 3984 cost rate by the issuance of bonds maturing not later than the
 3985 obligations refunded, secured by the same revenues only.

3986 (c) MOTOR VEHICLE FUEL TAXES.--

3987 (1) A state tax, designated "second gas tax," of two cents
 3988 per gallon upon gasoline and other like products of petroleum
 3989 and an equivalent tax upon other sources of energy used to
 3990 propel motor vehicles as levied by Article IX, section 16, of
 3991 the constitution of 1885, as amended, is hereby continued. The
 3992 proceeds of said tax shall be placed monthly in the state roads
 3993 distribution fund in the state treasury.

3994 (2) Article IX, section 16, of the constitution of 1885,
 3995 as amended, is adopted by this reference as a part of this
 3996 revision as completely as though incorporated herein verbatim
 3997 for the purpose of providing that after the effective date of
 3998 this revision the proceeds of the "second gas tax" as referred
 3999 to therein shall be allocated among the several counties in
 4000 accordance with the formula stated therein to the extent
 4001 necessary to comply with all obligations to or for the benefit
 4002 of holders of bonds, revenue certificates, and tax anticipation
 4003 certificates or any refundings thereof secured by any portion of
 4004 the "second gas tax."

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4005 (3) No funds anticipated to be allocated under the formula
 4006 stated in Article IX, section 16, of the constitution of 1885,
 4007 as amended, shall be pledged as security for any obligation
 4008 hereafter issued or entered into, except that any outstanding
 4009 obligations previously issued pledging revenues allocated under
 4010 said Article IX, section 16, may be refunded at a lower average
 4011 net interest cost rate by the issuance of refunding bonds,
 4012 maturing not later than the obligations refunded, secured by the
 4013 same revenues and any other security authorized in paragraph (5)
 4014 ~~of this subsection.~~

4015 (4) Subject to the requirements of paragraph (2) ~~of this~~
 4016 ~~subsection~~ and after payment of administrative expenses, the
 4017 "second gas tax" shall be allocated to the account of each of
 4018 the several counties in the amounts to be determined as follows:
 4019 There shall be an initial allocation of one-fourth in the ratio
 4020 of county area to state area, one-fourth in the ratio of the
 4021 total county population to the total population of the state in
 4022 accordance with the latest available federal census, and one-
 4023 half in the ratio of the total "second gas tax" collected on
 4024 retail sales or use in each county to the total collected in all
 4025 counties of the state during the previous fiscal year. If the
 4026 annual debt service requirements of any obligations issued for
 4027 any county, including any deficiencies for prior years, secured
 4028 under paragraph (2) ~~of this subsection~~, exceeds the amount that
 4029 ~~which~~ would be allocated to that county under the formula set
 4030 out in this paragraph, the amounts allocated to other counties
 4031 shall be reduced proportionately.

4032 (5) Funds allocated under paragraphs (2) and (4) ~~of this~~

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4033 ~~subsection~~ shall be administered by the state board of
 4034 administration created under Article IV, section 4. The board
 4035 shall remit the proceeds of the "second gas tax" in each county
 4036 account for use in said county as follows: eighty percent ~~per~~
 4037 ~~cent~~ to the state agency supervising the state road system and
 4038 twenty percent ~~per cent~~ to the governing body of the county. The
 4039 percentage allocated to the county may be increased by general
 4040 law. The proceeds of the "second gas tax" subject to allocation
 4041 to the several counties under this paragraph ~~(5)~~ shall be used
 4042 first, for the payment of obligations pledging revenues
 4043 allocated pursuant to Article IX, section 16, of the
 4044 constitution of 1885, as amended, and any refundings thereof;
 4045 second, for the payment of debt service on bonds issued as
 4046 provided by this paragraph (5) to finance the acquisition and
 4047 construction of roads as defined by law; and third, for the
 4048 acquisition and construction of roads and for road maintenance
 4049 as authorized by law. When authorized by law, state bonds
 4050 pledging the full faith and credit of the state may be issued
 4051 without any election to:

4052 a. ~~(i)~~ ~~to~~ Refund obligations secured by any portion of the
 4053 "second gas tax" allocated to a county under Article IX, section
 4054 16, of the constitution of 1885, as amended.†

4055 b. ~~(ii)~~ ~~to~~ Finance the acquisition and construction of
 4056 roads in a county when approved by the governing body of the
 4057 county and the state agency supervising the state road system.†

4058 c. ~~and (iii)~~ ~~to~~ Refund obligations secured by any portion
 4059 of the "second gas tax" allocated under paragraph ~~9(e)~~ (4).

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4061 No such bonds shall be issued unless a state fiscal agency
 4062 created by law has made a determination that in no state fiscal
 4063 year will the debt service requirements of the bonds and all
 4064 other bonds secured by the pledged portion of the "second gas
 4065 tax" allocated to the county exceed seventy-five percent ~~per~~
 4066 ~~cent~~ of the pledged portion of the "second gas tax" allocated to
 4067 that county for the preceding state fiscal year, of the pledged
 4068 net tolls from existing facilities collected in the preceding
 4069 state fiscal year, and of the annual average net tolls
 4070 anticipated during the first five state fiscal years of
 4071 operation of new projects to be financed, and of any other
 4072 legally available pledged revenues collected in the preceding
 4073 state fiscal year. Bonds issued pursuant to this subsection
 4074 shall be payable primarily from the pledged tolls, the pledged
 4075 portions of the "second gas tax" allocated to that county, and
 4076 any other pledged revenue, and shall mature not later than forty
 4077 years from the date of issuance.

4078 (d) SCHOOL BONDS.--

4079 (1) Article XII, section 7(d), ~~9, Subsection (d)~~ of this
 4080 constitution, as amended, (which, by reference, adopted Article
 4081 XII, section 18, of the constitution of 1885, as amended), as
 4082 the same existed immediately before the effective date of this
 4083 amendment is adopted by this reference as part of this amendment
 4084 as completely as though incorporated herein verbatim, for the
 4085 purpose of providing that after the effective date of this
 4086 amendment the first proceeds of the revenues derived from the
 4087 licensing of motor vehicles as referred to therein shall be
 4088 distributed annually among the several counties in the ratio of

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4089 the number of instruction units in each county, the same being
 4090 coterminous ~~coterminus~~ with the school district of each county
 4091 as provided in Article IX, section 4(a), ~~4, Subsection (a)~~ of
 4092 this constitution, in each year computed as provided therein to
 4093 the extent necessary to comply with all obligations to or for
 4094 the benefit of holders of bonds or motor vehicle tax
 4095 anticipation certificates issued before the effective date of
 4096 this amendment or any refundings thereof that ~~which~~ are secured
 4097 by any portion of such revenues derived from the licensing of
 4098 motor vehicles.

4099 (2) No funds anticipated to be distributed annually among
 4100 the several counties under the formula stated in Article XII,
 4101 section 7(d), ~~9, Subsection (d)~~ of this constitution, as
 4102 amended, as the same existed immediately before the effective
 4103 date of this amendment shall be pledged as security for any
 4104 obligations hereafter issued or entered into, except that any
 4105 outstanding obligations previously issued pledging such funds
 4106 may be refunded by the issuance of refunding bonds.

4107 (3) Subject to the requirements of paragraph (d)(1)
 4108 ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973, the
 4109 first proceeds of the revenues derived from the licensing of
 4110 motor vehicles (hereinafter called "motor vehicle license
 4111 revenues") to the extent necessary to comply with the provisions
 4112 of this amendment, shall, as collected, be placed monthly in the
 4113 school district and community college district capital outlay
 4114 and debt service fund in the state treasury and used only as
 4115 provided in this amendment. Such revenue shall be distributed
 4116 annually among the several school districts and community

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4117 college districts in the ratio of the number of instruction
 4118 units in each school district or community college district in
 4119 each year computed as provided herein. The amount of the first
 4120 motor vehicle license revenues to be so set aside in each year
 4121 and distributed as provided herein shall be an amount equal in
 4122 the aggregate to the product of six hundred dollars ~~(\$600)~~
 4123 multiplied by the total number of instruction units in all the
 4124 school districts of Florida for the school fiscal year 1967-68,
 4125 plus an amount equal in the aggregate to the product of eight
 4126 hundred dollars ~~(\$800)~~ multiplied by the total number of
 4127 instruction units in all the school districts of Florida for the
 4128 school fiscal year 1972-73 and for each school fiscal year
 4129 thereafter that ~~which~~ is in excess of the total number of such
 4130 instruction units in all the school districts of Florida for the
 4131 school fiscal year 1967-68, such excess units being designated
 4132 "growth units." The amount of the first motor vehicle license
 4133 revenues to be so set aside in each year and distributed as
 4134 provided herein shall additionally be an amount equal in the
 4135 aggregate to the product of four hundred dollars ~~(\$400)~~
 4136 multiplied by the total number of instruction units in all
 4137 community college districts of Florida. The number of
 4138 instruction units in each school district or community college
 4139 district in each year for the purposes of this amendment shall
 4140 be the greater of:

4141 a.~~(1)~~ The number of instruction units in each school
 4142 district for the school fiscal year 1967-68 or community college
 4143 district for the school fiscal year 1968-69 computed in the
 4144 manner heretofore provided by general law; ~~or~~

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4145 b.~~(2)~~ The number of instruction units in such school
 4146 district, including growth units, or community college district
 4147 for the school fiscal year computed in the manner heretofore or
 4148 hereafter provided by general law and approved by the state
 4149 board of education (hereinafter called the state board); i~~r~~ or

4150 c.~~(3)~~ The number of instruction units in each school
 4151 district, including growth units, or community college district
 4152 on behalf of which the state board has issued bonds or motor
 4153 vehicle license revenue anticipation certificates under this
 4154 amendment that ~~which~~ will produce sufficient revenues under this
 4155 amendment to equal one and twelve-hundredths (1.12) times the
 4156 aggregate amount of principal of and interest on all bonds or
 4157 motor vehicle license revenue anticipation certificates issued
 4158 under this amendment that ~~which~~ will mature and become due in
 4159 such year, computed in the manner heretofore or hereafter
 4160 provided by general law and approved by the state board.

4161 (4) Such funds so distributed shall be administered by the
 4162 state board as now created and constituted by Article IX,
 4163 section 2, ~~of Article IX~~ of this ~~the~~ State constitution ~~as~~
 4164 ~~revised in 1968~~, or by such other instrumentality of the state
 4165 that ~~which~~ shall hereafter succeed by law to the powers, duties,
 4166 and functions of the state board, including the powers, duties,
 4167 and functions of the state board provided in this amendment. For
 4168 the purposes of this amendment, said state board shall be a body
 4169 corporate and shall have all the powers provided in this
 4170 amendment in addition to all other constitutional and statutory
 4171 powers related to the purposes of this amendment heretofore or
 4172 hereafter conferred upon said state board.

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4173 (5) The state board shall, in addition to its other
 4174 constitutional and statutory powers, have the management,
 4175 control, and supervision of the proceeds of the first motor
 4176 vehicle license revenues provided for in this subsection ~~(d)~~.
 4177 The state board shall also have power, for the purpose of
 4178 obtaining funds for the use of any school board of any school
 4179 district or board of trustees of any community college district
 4180 in acquiring, building, constructing, altering, remodeling,
 4181 improving, enlarging, furnishing, equipping, maintaining,
 4182 renovating, or repairing of capital outlay projects for school
 4183 purposes to issue bonds or motor vehicle license revenue
 4184 anticipation certificates, and also to issue such bonds or motor
 4185 vehicle license revenue anticipation certificates to pay, fund,
 4186 or refund any bonds or motor vehicle license revenue
 4187 anticipation certificates theretofore issued by said state
 4188 board. All such bonds or motor vehicle license revenue
 4189 anticipation certificates shall bear interest at not exceeding
 4190 the rate provided by general law and shall mature not later than
 4191 thirty years after the date of issuance thereof. The state board
 4192 shall have power to determine all other details of the bonds or
 4193 motor vehicle license revenue anticipation certificates and to
 4194 sell in the manner provided by general law, or exchange the
 4195 bonds or motor vehicle license revenue anticipation
 4196 certificates, upon such terms and conditions as the state board
 4197 shall provide.

4198 (6) The state board shall also have power to pledge for
 4199 the payment of the principal of and interest on such bonds or
 4200 motor vehicle license revenue anticipation certificates,

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4201 including refunding bonds or refunding motor vehicle license
 4202 revenue anticipation certificates, all or any part from the
 4203 motor vehicle license revenues provided for in this amendment
 4204 and to enter into any covenants and other agreements with the
 4205 holders of such bonds or motor vehicle license revenue
 4206 anticipation certificates at the time of the issuance thereof
 4207 concerning the security thereof and the rights of the holders
 4208 thereof, all of which covenants and agreements shall constitute
 4209 legally binding and irrevocable contracts with such holders and
 4210 shall be fully enforceable by such holders in any court of
 4211 competent jurisdiction.

4212 (7) No such bonds or motor vehicle license revenue
 4213 anticipation certificates shall ever be issued by the state
 4214 board, except to refund outstanding bonds or motor vehicle
 4215 license revenue anticipation certificates, until after the
 4216 adoption of a resolution requesting the issuance thereof by the
 4217 school board of the school district or board of trustees of the
 4218 community college district on behalf of which the obligations
 4219 are to be issued. The state board of education shall limit the
 4220 amount of such bonds or motor vehicle license revenue
 4221 anticipation certificates that ~~which~~ can be issued on behalf of
 4222 any school district or community college district to ninety
 4223 percent ~~(90%)~~ of the amount that ~~which~~ it determines can be
 4224 serviced by the revenue accruing to the school district or
 4225 community college district under the provisions of this
 4226 amendment, and shall determine the reasonable allocation of the
 4227 interest savings from the issuance of refunding bonds or motor
 4228 vehicle license revenue anticipation certificates, and such

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4229 | determinations shall be conclusive. All such bonds or motor
 4230 | vehicle license revenue anticipation certificates shall be
 4231 | issued in the name of the state board of education but shall be
 4232 | issued for and on behalf of the school board of the school
 4233 | district or board of trustees of the community college district
 4234 | requesting the issuance thereof, and no election or approval of
 4235 | qualified electors shall be required for the issuance thereof.

4236 | (8) The state board shall in each year use the funds
 4237 | distributable pursuant to this amendment to the credit of each
 4238 | school district or community college district only in the
 4239 | following manner and in order of priority:

4240 | a. To comply with the requirements of paragraph (d) (1)
 4241 | ~~paragraph (1) of this subsection (d).~~

4242 | b. To pay all amounts of principal and interest due in
 4243 | such year on any bonds or motor vehicle license revenue
 4244 | anticipation certificates issued under the authority hereof,
 4245 | including refunding bonds or motor vehicle license revenue
 4246 | anticipation certificates, issued on behalf of the school board
 4247 | of such school district or board of trustees of such community
 4248 | college district; subject, however, to any covenants or
 4249 | agreements made by the state board concerning the rights between
 4250 | holders of different issues of such bonds or motor vehicle
 4251 | license revenue anticipation certificates, as herein authorized.

4252 | c. To establish and maintain a sinking fund or funds to
 4253 | meet future requirements for debt service or reserves therefor,
 4254 | on bonds or motor vehicle license revenue anticipation
 4255 | certificates issued on behalf of the school board of such school
 4256 | district or board of trustees of such community college district

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4257 | under the authority hereof, whenever the state board shall deem
 4258 | it necessary or advisable, and in such amounts and under such
 4259 | terms and conditions as the state board shall in its discretion
 4260 | determine.

4261 | d. To distribute annually to the several school boards of
 4262 | the school districts or the boards of trustees of the community
 4263 | college districts for use in payment of debt service on bonds
 4264 | heretofore or hereafter issued by any such school boards of the
 4265 | school districts or boards of trustees of the community college
 4266 | districts where the proceeds of the bonds were used, or are to
 4267 | be used, in the acquiring, building, constructing, altering,
 4268 | remodeling, improving, enlarging, furnishing, equipping,
 4269 | maintaining, renovating, or repairing of capital outlay projects
 4270 | in such school districts or community college districts and
 4271 | which capital outlay projects have been approved by the school
 4272 | board of the school district or board of trustees of the
 4273 | community college district, pursuant to the most recent survey
 4274 | or surveys conducted under regulations prescribed by the state
 4275 | board to determine the capital outlay needs of the school
 4276 | district or community college district. The state board shall
 4277 | have power at the time of issuance of any bonds by any school
 4278 | board of any school district or board of trustees of any
 4279 | community college district to covenant and agree with such
 4280 | school board or board of trustees as to the rank and priority of
 4281 | payments to be made for different issues of bonds under this
 4282 | subparagraph ~~d-~~, and may further agree that any amounts to be
 4283 | distributed under this subparagraph ~~d-~~ may be pledged for the
 4284 | debt service on bonds issued by any school board of any school

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4285 district or board of trustees of any community college district
 4286 and for the rank and priority of such pledge. Any such covenants
 4287 or agreements of the state board may be enforced by any holders
 4288 of such bonds in any court of competent jurisdiction.

4289 e. To pay the expenses of the state board in administering
 4290 this subsection ~~(d)~~, which shall be prorated among the various
 4291 school districts and community college districts and paid out of
 4292 the proceeds of the bonds or motor vehicle license revenue
 4293 anticipation certificates or from the funds distributable to
 4294 each school district and community college district on the same
 4295 basis as such motor vehicle license revenues are distributable
 4296 to the various school districts and community college districts.

4297 f. To distribute annually to the several school boards of
 4298 the school districts or boards of trustees of the community
 4299 college districts for the payment of the cost of acquiring,
 4300 building, constructing, altering, remodeling, improving,
 4301 enlarging, furnishing, equipping, maintaining, renovating, or
 4302 repairing of capital outlay projects for school purposes in such
 4303 school district or community college district as shall be
 4304 requested by resolution of the school board of the school
 4305 district or board of trustees of the community college district.

4306 g. When all major capital outlay needs of a school
 4307 district or community college district have been met as
 4308 determined by the state board, on the basis of a survey made
 4309 pursuant to regulations of the state board and approved by the
 4310 state board, all such funds remaining shall be distributed
 4311 annually and used for such school purposes in such school
 4312 district or community college district as the school board of

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4313 the school district or board of trustees of the community
 4314 college district shall determine, or as may be provided by
 4315 general law.

4316 (9) Capital outlay projects of a school district or
 4317 community college district shall be eligible to participate in
 4318 the funds accruing under this amendment and derived from the
 4319 proceeds of bonds and motor vehicle license revenue anticipation
 4320 certificates and from the motor vehicle license revenues, only
 4321 in the order of priority of needs, as shown by a survey or
 4322 surveys conducted in the school district or community college
 4323 district under regulations prescribed by the state board, to
 4324 determine the capital outlay needs of the school district or
 4325 community college district and approved by the state board;
 4326 provided that the priority of such projects may be changed from
 4327 time to time upon the request of the school board of the school
 4328 district or board of trustees of the community college district
 4329 and with the approval of the state board; and provided, further,
 4330 that this paragraph ~~(9)~~ shall not in any manner affect any
 4331 covenant, agreement, or pledge made by the state board in the
 4332 issuance by said state board of any bonds or motor vehicle
 4333 license revenue anticipation certificates, or in connection with
 4334 the issuance of any bonds of any school board of any school
 4335 district or board of trustees of any community college district.

4336 (10) The state board shall have power to make and enforce
 4337 all rules and regulations necessary to the full exercise of the
 4338 powers herein granted and no legislation shall be required to
 4339 render this amendment of full force and operating effect. The
 4340 legislature shall not reduce the levies of said motor vehicle

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4341 license revenues during the life of this amendment to any degree
 4342 that ~~which~~ will fail to provide the full amount necessary to
 4343 comply with the provisions of this amendment and pay the
 4344 necessary expenses of administering the laws relating to the
 4345 licensing of motor vehicles, and shall not enact any law having
 4346 the effect of withdrawing the proceeds of such motor vehicle
 4347 license revenues from the operation of this amendment and shall
 4348 not enact any law impairing or materially altering the rights of
 4349 the holders of any bonds or motor vehicle license revenue
 4350 anticipation certificates issued pursuant to this amendment or
 4351 impairing or altering any covenant or agreement of the state
 4352 board, as provided in such bonds or motor vehicle license
 4353 revenue anticipation certificates.

4354 (11) Bonds issued by the state board pursuant to this
 4355 subsection ~~(d)~~ shall be payable primarily from said motor
 4356 vehicle license revenues as provided herein, and if heretofore
 4357 or hereafter authorized by law, may be additionally secured by
 4358 pledging the full faith and credit of the state without an
 4359 election. When heretofore or hereafter authorized by law, bonds
 4360 issued pursuant to Article XII, section 18, of the constitution
 4361 of 1885, as amended prior to 1968, and bonds issued pursuant to
 4362 Article XII, section 7(d), ~~9, subsection (d)~~ of this the
 4363 constitution ~~as revised in 1968~~, and bonds issued pursuant to
 4364 this subsection ~~(d)~~, may be refunded by the issuance of bonds
 4365 additionally secured by the full faith and credit of the state.

4366 (e) DEBT LIMITATION.--Bonds issued pursuant to this
 4367 section ~~9~~ of Article XII that ~~which~~ are payable primarily from
 4368 revenues pledged pursuant to this section shall not be included

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4369 in applying the limits upon the amount of state bonds contained
 4370 in Section 11, Article VII, of this revision.

4371 SECTION 8 10. Preservation of constitutional provisions as
 4372 statutes Preservation of existing government.--

4373 (a) The following provisions, as they existed on November
 4374 6, 2006, shall become statutes:

- 4375 1. Article I, section 26.
- 4376 2. Article II, section 9.
- 4377 3. Article IX, section 7.
- 4378 4. Article X, section 21.
- 4379 5. Article X, section 24.
- 4380 6. Article X, section 25.
- 4381 7. Article X, section 26.

4382 (b) The Division of Statutory Revision shall codify a
 4383 provision made statutory law by subsection (a) in the manner
 4384 described in s. 11.242, Florida Statutes (2005). The Division of
 4385 Statutory Revision may make alterations to a provision described
 4386 in subsection (a) to reflect its status as statutory law, but
 4387 the effect of the provision must be preserved.

4388 (c) Each provision made statutory law by subsection (a)
 4389 shall not be subject to modification or repeal, except by a two-
 4390 thirds vote of the membership of each house of the legislature,
 4391 in the first 5 years from the date it becomes a statute.
 4392 Thereafter, it shall be subject to modification or repeal as are
 4393 other statutes. All provisions of Articles I through IV, VII and
 4394 IX through XX of the Constitution of 1885, as amended, not
 4395 embraced herein which are not inconsistent with this revision
 4396 shall become statutes subject to modification or repeal as are

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4397 ~~other statutes.~~

4398 SECTION 9 ~~11~~. Deletion of obsolete schedule items.--The
 4399 legislature shall have power, by joint resolution, to delete
 4400 from this article ~~revision~~ any section of ~~this Article XII~~,
 4401 including this section, when all events to which the section to
 4402 be deleted is or could become applicable have occurred. A
 4403 legislative determination of fact made as a basis for
 4404 application of this section shall be subject to judicial review.

4405 SECTION 10 ~~12~~. Senators.--The requirements of staggered
 4406 terms of senators in Article III, section 15(a), ~~of Article III~~
 4407 ~~of this revision~~ shall apply only to senators elected in
 4408 November, 1972, and thereafter.

4409 SECTION 11 ~~13~~. Legislative apportionment.--The
 4410 requirements of legislative apportionment in Article III,
 4411 section 16, ~~of Article III of this revision~~ shall apply only to
 4412 the apportionment of the legislature following the decennial
 4413 census of 1970, and thereafter.

4414 SECTION 12 ~~14~~. Representatives; terms.--The legislature at
 4415 its first regular session following the ratification of this
 4416 revision, by joint resolution, shall propose to the electors of
 4417 the state for ratification or rejection in the general election
 4418 of 1970 an amendment to Article III, section 15(b), ~~of the~~
 4419 ~~constitution~~ providing staggered terms of four years for members
 4420 of the house of representatives.

4421 SECTION 13 ~~15~~. Special district taxes.--Ad valorem taxing
 4422 power vested by law in special districts existing when this
 4423 revision becomes effective shall not be abrogated by Article
 4424 VII, section 9(b) ~~of Article VII herein~~, but such powers, except

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4425 to the extent necessary to pay outstanding debts, may be
 4426 restricted or withdrawn by law.

4427 ~~SECTION 16. Reorganization.--The requirement of Section 6,~~
 4428 ~~Article IV of this revision shall not apply until July 1, 1969.~~

4429 SECTION 14 17. Conflicting provisions.--This schedule is
 4430 designed to effect the orderly transition of government from the
 4431 constitution of 1885, as amended, to this revision and shall
 4432 control in all cases of conflict with any part of Article I
 4433 through IV, VII, and IX through XI herein.

4434 ~~SECTION 18. Bonds for housing and related~~
 4435 ~~facilities.--Section 16 of Article VII, providing for bonds for~~
 4436 ~~housing and related facilities, shall take effect upon approval~~
 4437 ~~by the electors.~~

4438 ~~SECTION 19. Renewable energy source property.--The~~
 4439 ~~amendment to Section 3 of Article VII, relating to an exemption~~
 4440 ~~for a renewable energy source device and real property on which~~
 4441 ~~such device is installed, if adopted at the special election in~~
 4442 ~~October 1980, shall take effect January 1, 1981.~~

4443 ~~SECTION 20. Access to public records.--Section 24 of~~
 4444 ~~Article I, relating to access to public records, shall take~~
 4445 ~~effect July 1, 1993.~~

4446 SECTION 15 21. State revenue limitation.--The amendment to
 4447 Article VII, section 1, ~~of Article VII~~ limiting state revenues
 4448 shall take effect January 1, 1995, and shall first be applicable
 4449 to state fiscal year 1995-1996.

4450 SECTION 16 22. Historic property exemption and
 4451 assessment.--The amendments to Article VII, Sections 3 and 4, ~~of~~
 4452 ~~Article VII~~ relating to ad valorem tax exemption for, and

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4453 | assessment of, historic property shall take effect January 1,
 4454 | 1999.

4455 | SECTION 17 ~~23~~. Fish and wildlife conservation
 4456 | commission.--

4457 | (a) The initial members of the commission shall be the
 4458 | members of the game and fresh water fish commission and the
 4459 | marine fisheries commission who are serving on those commissions
 4460 | on the effective date of this amendment, who may serve the
 4461 | remainder of their respective terms. New appointments to the
 4462 | commission shall not be made until the retirement, resignation,
 4463 | removal, or expiration of the terms of the initial members
 4464 | results in fewer than seven members remaining.

4465 | (b) The jurisdiction of the marine fisheries commission as
 4466 | set forth in statutes in effect on March 1, 1998, shall be
 4467 | transferred to the fish and wildlife conservation commission.
 4468 | The jurisdiction of the marine fisheries commission transferred
 4469 | to the commission shall not be expanded except as provided by
 4470 | general law. All rules of the marine fisheries commission and
 4471 | game and fresh water fish commission in effect on the effective
 4472 | date of this amendment shall become rules of the fish and
 4473 | wildlife conservation commission until superseded or amended by
 4474 | the commission.

4475 | (c) On the effective date of this amendment, the marine
 4476 | fisheries commission and game and fresh water fish commission
 4477 | shall be abolished.

4478 | (d) This amendment shall take effect July 1, 1999.

4479 | SECTION 18 ~~24~~. Executive branch reform.--

4480 | (a) The amendments contained in this revision shall take

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4481 effect January 7, 2003, but shall govern with respect to the
 4482 qualifying for and the holding of primary elections in 2002. The
 4483 office of chief financial officer shall be a new office as a
 4484 result of this revision.

4485 (b) In the event the secretary of state is removed as a
 4486 cabinet office in the 1998 general election, the term "custodian
 4487 of state records" shall be substituted for the term "secretary
 4488 of state" throughout this ~~the~~ constitution and the duties
 4489 previously performed by the secretary of state shall be as
 4490 provided by law.

4491 ~~SECTION 25. Schedule to Article V amendment.~~

4492 ~~(a) Commencing with fiscal year 2000 2001, the legislature~~
 4493 ~~shall appropriate funds to pay for the salaries, costs, and~~
 4494 ~~expenses set forth in the amendment to Section 14 of Article V~~
 4495 ~~pursuant to a phase in schedule established by general law.~~

4496 ~~(b) Unless otherwise provided herein, the amendment to~~
 4497 ~~Section 14 shall be fully effectuated by July 1, 2004.~~

4498 BE IT FURTHER RESOLVED that the following statement be
 4499 placed on the ballot:

4500 CONSTITUTIONAL AMENDMENT

4501 MULTIPLE ARTICLES

4502 OBSOLETE, ERRONEOUS, AND INCONSISTENT PROVISIONS;
 4503 PRESERVATION OF CERTAIN CONSTITUTIONAL PROVISIONS AS
 4504 STATUTES.--Proposing revisions to multiple articles of the State
 4505 Constitution to delete obsolete provisions and to correct errors
 4506 in spelling, punctuation, and grammar, inconsistencies in
 4507 wording and style, and other technical issues; to correct an
 4508 erroneous filing date in Article XI, section 6(e), which relates

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4509 | to the Taxation and Budget Reform Commission; and to remove the
 4510 | following provisions from the State Constitution, transfer them
 4511 | to the Florida Statutes, and prohibit the modification or repeal
 4512 | of those statutes, except by a two-thirds vote of the membership
 4513 | of each house of the Legislature, for the first 5 years after
 4514 | each becomes a statute:

4515 | ARTICLE I, SECTION 26

4516 | Claimant's right to fair compensation.--The provision that
 4517 | delineates a claimant's right to compensation in medical
 4518 | liability claims.

4519 | ARTICLE II, SECTION 9

4520 | English is the official language of Florida.--The provision
 4521 | that makes English the official language of Florida.

4522 | ARTICLE IX, SECTION 7

4523 | State University System.--The provision that provides for a
 4524 | system of governance for the state university system of Florida.

4525 | ARTICLE X, SECTION 21

4526 | Limiting cruel and inhumane confinement of pigs during
 4527 | pregnancy.--The provision that makes it unlawful to confine a
 4528 | pig during pregnancy in such a way that the pig is prevented
 4529 | from turning around freely.

4530 | ARTICLE X, SECTION 24

4531 | Florida minimum wage.--The provision that provides for a
 4532 | state minimum wage in Florida.

4533 | ARTICLE X, SECTION 25

4534 | Patients' right to know about adverse medical
 4535 | incidents.--The provision that delineates a patient's right to
 4536 | know about adverse medical incidents.

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ARTICLE X, SECTION 26

4537
4538 Prohibition of medical license after repeated medical
4539 malpractice.--The provision that prohibits a person from having
4540 a medical license after repeated medical malpractice.