

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 House Joint Resolution

6 A joint resolution proposing the revision of the whole
7 State Constitution to delete obsolete provisions and to
8 correct errors in spelling, punctuation, and grammar,
9 inconsistencies in wording and style, and other technical
10 issues; to correct an erroneous filing date in Article XI,
11 section 6(e), which relates to the Taxation and Budget
12 Reform Commission; to repeal Article I, section 26, which
13 pertains to a claimant's right to compensation in medical
14 liability claims, and to provide for its codification as a
15 statute; to repeal Article II, section 9, which pertains
16 to English as the official language of Florida, and to
17 provide for its codification as a statute; to repeal
18 Article X, section 21, which pertains to the confinement
19 of pregnant pigs, and to provide for its codification as a
20 statute; to repeal Article X, section 24, which pertains
21 to a state minimum wage in Florida, and to provide for its
22 codification as a statute; to repeal Article X, section
23 25, which pertains to a patient's right to know about

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24 | adverse medical incidents, and to provide for its
 25 | codification as a statute; to repeal Article X, section
 26 | 26, which pertains to a prohibition on having a medical
 27 | license after repeated medical malpractice, and to provide
 28 | for its codification as a statute.

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

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

37 |
 38 | PREAMBLE

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

46 |
 47 | ARTICLE I
 48 | DECLARATION OF RIGHTS

49 |
 50 | SECTION 1. Political power.--All political power is
 51 | inherent in the people. The enunciation herein of certain rights

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52 | shall not be construed to deny or impair others retained by the
53 | people.

54 | SECTION 2. Basic rights.--All natural persons, female and
55 | male alike, are equal before the law and have inalienable
56 | rights, among which are the right to enjoy and defend life and
57 | liberty, to pursue happiness, to be rewarded for industry, and
58 | to acquire, possess, and protect property; except that the
59 | ownership, inheritance, disposition, and possession of real
60 | property by aliens ineligible for citizenship may be regulated
61 | or prohibited by law. No person shall be deprived of any right
62 | because of race, religion, national origin, or physical
63 | disability.

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

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

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

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

83 SECTION 6. Right to work.--The right of persons to work
84 shall not be denied or abridged on account of membership or
85 nonmembership ~~non-membership~~ in any labor union or labor
86 organization. The right of employees, by and through a labor
87 organization, to bargain collectively shall not be denied or
88 abridged. Public employees shall not have the right to strike.

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

91 SECTION 8. Right to bear arms.--

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

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

105 (c) The legislature shall enact legislation implementing
106 subsection (b) ~~of this section, effective no later than December~~
107 ~~31, 1991~~, which shall provide that anyone violating the

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108 | provisions of subsection (b) commits ~~shall be guilty of~~ a
109 | felony.

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

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

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

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

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

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135 | under decisions of the United States Supreme Court construing
136 | the Fourth ~~4th~~ Amendment to the United States Constitution.

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

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

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

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

160 | (b) When authorized by law, a child as therein defined may
161 | be charged with a violation of law as an act of delinquency
162 | instead of crime and tried without a jury or other requirements

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163 applicable to criminal cases. Any child so charged shall, upon
 164 demand made as provided by law before a trial in a juvenile
 165 proceeding, be tried in an appropriate court as an adult. A
 166 child found delinquent shall be disciplined as provided by law.

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

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

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

188 SECTION 17. Excessive punishments.--Excessive fines, cruel
 189 and unusual punishment, attainder, forfeiture of estate,
 190 indefinite imprisonment, and unreasonable detention of witnesses

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191 are forbidden. The death penalty is an authorized punishment for
 192 capital crimes designated by the legislature. The prohibition
 193 against cruel or unusual punishment, and the prohibition against
 194 cruel and unusual punishment, shall be construed in conformity
 195 with decisions of the United States Supreme Court that ~~which~~
 196 interpret the prohibition against cruel and unusual punishment
 197 provided in the Eighth Amendment to the United States
 198 Constitution. Any method of execution shall be allowed, unless
 199 prohibited by the United States Constitution. Methods of
 200 execution may be designated by the legislature, and a change in
 201 any method of execution may be applied retroactively. A sentence
 202 of death shall not be reduced on the basis that a method of
 203 execution is invalid. In any case in which an execution method
 204 is declared invalid, the death sentence shall remain in force
 205 until the sentence can be lawfully executed by any valid method.
 206 This section shall apply retroactively.

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

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

215 SECTION 20. Treason.--Treason against the state shall
 216 consist only in levying war against it, adhering to its enemies,
 217 or giving them aid and comfort, and no person shall be convicted

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218 | of treason except on the testimony of two witnesses to the same
219 | overt act or on confession in open court.

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

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

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

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

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

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

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

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

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

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

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

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

298
299 ARTICLE II
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GENERAL PROVISIONS

SECTION 1. State boundaries.--

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly,

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328 including the Florida reefs, to a point due south of and three
329 leagues from the southernmost point of the Marquesas Keys;
330 thence westerly along a straight line to a point due south of
331 and three leagues from Loggerhead Key, the westernmost of the
332 Dry Tortugas Islands; thence westerly, northerly and easterly
333 along the arc of a curve three leagues distant from Loggerhead
334 Key to a point due north of Loggerhead Key; thence northeast
335 along a straight line to a point three leagues from the
336 coastline of Florida; thence northerly and westerly three
337 leagues distant from the coastline to a point west of the mouth
338 of the Perdido River three leagues from the coastline as
339 measured on a line bearing south 0°01'00" west from the point of
340 beginning; thence northerly along said line to the point of
341 beginning. The State of Florida shall also include any
342 additional territory within the United States adjacent to the
343 Peninsula of Florida lying south of the St. Marys River, east of
344 the Perdido River, and south of the States of Alabama and
345 Georgia.

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

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

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355 | for the period of the emergency transfer the seat of government
356 | to another place.

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

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

364 | SECTION 5. Public officers.--

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

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

379 | "I do solemnly swear (or affirm) that I will support,
380 | protect, and defend the Constitution and Government of the
381 | United States and of the State of Florida; that I am duly
382 | qualified to hold office under the constitution of the state;

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

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

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

391 | SECTION 6. Enemy attack.--In periods of emergency
392 | resulting from enemy attack, the legislature shall have power to
393 | provide for prompt and temporary succession to the powers and
394 | duties of all public offices the incumbents of which may become
395 | unavailable to execute the functions of their offices, and to
396 | adopt such other measures as may be necessary and appropriate to
397 | ensure ~~insure~~ the continuity of governmental operations during
398 | the emergency. In exercising these powers, the legislature may
399 | depart from other requirements of this constitution, but only to
400 | the extent necessary to meet the emergency.

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

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

407 | (b) Those in the Everglades Agricultural Area who cause
408 | water pollution within the Everglades Protection Area or the
409 | Everglades Agricultural Area shall be primarily responsible for
410 | paying the costs of the abatement of that pollution. For the

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411 | purposes of this subsection, the terms "Everglades Protection
412 | Area" and "Everglades Agricultural Area" shall have the meanings
413 | as defined in statutes in effect on January 1, 1996.

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

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

421 | (b) All elected public officers and candidates for such
422 | offices shall file full and public disclosure of their campaign
423 | finances.

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

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

433 | (e) No member of the legislature or statewide elected
434 | officer shall personally represent another person or entity for
435 | compensation before the government body or agency of which the
436 | individual was an officer or member for a period of two years
437 | following vacation of office. No member of the legislature shall
438 | personally represent another person or entity for compensation

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439 | during his or her term of office before any state agency other
 440 | than judicial tribunals. Similar restrictions on other public
 441 | officers and employees may be established by law.

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

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

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

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

456 | (1) Full and public disclosure of financial interests
 457 | shall mean filing with the custodian of state records by July 1
 458 | of each year a sworn statement showing net worth and identifying
 459 | each asset and liability in excess of one thousand dollars
 460 | ~~\$1,000~~ and its value together with one of the following:

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

463 | b. A sworn statement that ~~which~~ identifies each separate
 464 | source and amount of income that ~~which~~ exceeds one thousand
 465 | dollars ~~\$1,000~~. The forms for such source disclosure and the
 466 | rules under which they are to be filed shall be prescribed by

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467 the independent commission established in subsection (f), and
468 such rules shall include disclosure of secondary sources of
469 income.

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

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

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

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

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

480

481 ARTICLE III

482 LEGISLATURE

483

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

489 SECTION 2. Members; officers.--Each house shall be the
490 sole judge of the qualifications, elections, and returns of its
491 members, and shall biennially choose its officers, including a
492 permanent presiding officer selected from its membership, who
493 shall be designated in the senate as President of the Senate,
494 and in the house as Speaker of the House of Representatives. The

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495 senate shall designate a Secretary to serve at its pleasure, and
496 the house of representatives shall designate a Clerk to serve at
497 its pleasure. The legislature shall appoint an auditor to serve
498 at its pleasure who shall audit public records and perform
499 related duties as prescribed by law or concurrent resolution.

500 SECTION 3. Sessions of the legislature.--

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

505 (b) REGULAR SESSIONS.--A regular session of the
506 legislature shall convene on the first Tuesday after the first
507 Monday in March of each odd-numbered year, and on the first
508 Tuesday after the first Monday in March, or such other date as
509 may be fixed by law, of each even-numbered year.

510 (c) SPECIAL SESSIONS.--

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

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

519 (d) LENGTH OF SESSIONS.--A regular session of the
520 legislature shall not exceed sixty consecutive days, and a
521 special session shall not exceed twenty consecutive days, unless
522 extended beyond such limit by a three-fifths vote of each house.

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523 | During such an extension no new business may be taken up in
524 | either house without the consent of two-thirds of its
525 | membership.

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

529 | (f) ADJOURNMENT BY GOVERNOR.--If, during any regular or
530 | special session, the two houses cannot agree upon a time for
531 | adjournment, the governor may adjourn the session sine die or to
532 | any date within the period authorized for such session; provided
533 | that, at least twenty-four hours before adjourning the session,
534 | and while neither house is in recess, each house shall be given
535 | formal written notice of the governor's intention to do so, and
536 | agreement reached within that period by both houses on a time
537 | for adjournment shall prevail.

538 | SECTION 4. Quorum and procedure.--

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

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

547 | (c) Each house shall keep and publish a journal of its
548 | proceedings, + and, + upon the request of five members present, the
549 | vote of each member voting on any question shall be entered on
550 | the journal. In any legislative committee or subcommittee, the

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551 | vote of each member voting on the final passage of any
552 | legislation pending before the committee, and upon the request
553 | of any two members of the committee or subcommittee, the vote of
554 | each member on any other question, shall be recorded.

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

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

577 | SECTION 5. Investigations; witnesses.--Each house, when in
578 | session, may compel attendance of witnesses and production of

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

589 SECTION 6. Laws.--Every law shall embrace but one subject
590 and matter properly connected therewith, and the subject shall
591 be briefly expressed in the title. No law shall be revised or
592 amended by reference to its title only. Laws to revise or amend
593 shall set out in full the revised or amended act, section,
594 subsection, or paragraph of a subsection. The enacting clause of
595 every law shall read: "Be It Enacted by the Legislature of the
596 State of Florida:_"

597 SECTION 7. Passage of bills.--Any bill may originate in
598 either house and after passage in one may be amended in the
599 other. It shall be read in each house on three separate days,
600 unless this rule is waived by two-thirds vote; provided the
601 publication of its title in the journal of a house shall satisfy
602 the requirement for the first reading in that house. On each
603 reading, it shall be read by title only, unless one-third of the
604 members present desire it read in full. On final passage, the
605 vote of each member voting shall be entered on the journal.
606 Passage of a bill shall require a majority vote in each house.

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607 Each bill and joint resolution passed in both houses shall be
608 signed by the presiding officers of the respective houses and by
609 the secretary of the senate and the clerk of the house of
610 representatives during the session or as soon as practicable
611 after its adjournment sine die.

612 SECTION 8. Executive approval and veto.--

613 (a) Every bill passed by the legislature shall be
614 presented to the governor for approval and shall become a law if
615 the governor approves and signs it, or fails to veto it within
616 seven consecutive days after presentation. If during that period
617 or on the seventh day the legislature adjourns sine die or takes
618 a recess of more than thirty days, the governor shall have
619 fifteen consecutive days from the date of presentation to act on
620 the bill. In all cases except general appropriation bills, the
621 veto shall extend to the entire bill. The governor may veto any
622 specific appropriation in a general appropriation bill, but may
623 not veto any qualification or restriction without also vetoing
624 the appropriation to which it relates.

625 (b) When a bill or any specific appropriation of a general
626 appropriation bill has been vetoed, the governor shall transmit
627 signed objections thereto to the house in which the bill
628 originated if in session. If that house is not in session, the
629 governor shall file them with the custodian of state records,
630 who shall lay them before that house at its next regular or
631 special session, whichever occurs first, and they shall be
632 entered on its journal. If the originating house votes to
633 reenact ~~re-enact~~ a vetoed measure, whether in a regular or
634 special session, and the other house does not consider or fails

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635 to reenact ~~re-enact~~ the vetoed measure, no further consideration
 636 by either house at any subsequent session may be taken. If a
 637 vetoed measure is presented at a special session and the
 638 originating house does not consider it, the measure will be
 639 available for consideration at any intervening special session
 640 and until the end of the next regular session.

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

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

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

661 SECTION 11. Prohibited special laws.--

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

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

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

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

672 (4) Punishment for crime. †

673 (5) Petit juries, including compensation of jurors, except
674 establishment of jury commissions. †

675 (6) Change of civil or criminal venue. †

676 (7) Conditions precedent to bringing any civil or criminal
677 proceedings, or limitations of time therefor. †

678 (8) Refund of money legally paid or remission of fines,
679 penalties, or forfeitures. †

680 (9) Creation, enforcement, extension, or impairment of
681 liens based on private contracts, or fixing of interest rates on
682 private contracts. †

683 (10) Disposal of public property, including any interest
684 therein, for private purposes. †

685 (11) Vacation of roads. †

686 (12) Private incorporation or grant of privilege to a
687 private corporation. †

688 (13) Effectuation of invalid deeds, wills, or other
689 instruments, or change in the law of descent. †

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- 690 (14) Change of name of any person.†
- 691 (15) Divorce.†
- 692 (16) Legitimation or adoption of persons.†
- 693 (17) Relief of minors from legal disabilities.†
- 694 (18) Transfer of any property interest of persons under
695 legal disabilities or of estates of decedents.†
- 696 (19) Hunting or freshwater ~~fresh water~~ fishing.†
- 697 (20) Regulation of occupations which are regulated by a
698 state agency.† ~~or~~
- 699 (21) Any subject when prohibited by general law passed by
700 a three-fifths vote of the membership of each house. Such law
701 may be amended or repealed by like vote.
- 702 (b) In the enactment of general laws on other subjects,
703 political subdivisions or other governmental entities may be
704 classified only on a basis reasonably related to the subject of
705 the law.
- 706 SECTION 12. Appropriation bills.--Laws making
707 appropriations for salaries of public officers and other current
708 expenses of the state shall contain provisions on no other
709 subject.
- 710 SECTION 13. Term of office.--No office shall be created
711 the term of which shall exceed four years except as provided
712 herein.
- 713 SECTION 14. Civil service system.--By law there shall be
714 created a civil service system for state employees, except those
715 expressly exempted, and there may be created civil service
716 systems and boards for county, district, or municipal employees
717 and for such offices thereof as are not elected or appointed by

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718 | the governor, and there may be authorized such boards as are
719 | necessary to prescribe the qualifications, method of selection,
720 | and tenure of such employees and officers.

721 | SECTION 15. Terms and qualifications of legislators.--

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

729 | (b) REPRESENTATIVES.--Members of the house of
730 | representatives shall be elected for terms of two years in each
731 | even-numbered year.

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

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

740 | SECTION 16. Legislative apportionment.--

741 | (a) SENATORIAL AND REPRESENTATIVE DISTRICTS.--The
742 | legislature at its regular session in the second year following
743 | each decennial census, by joint resolution, shall apportion the
744 | state in accordance with the Constitution of the State of
745 | Florida and of the United States into not fewer ~~less~~ than thirty

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746 nor more than forty consecutively numbered senatorial districts
747 of either contiguous, overlapping, or identical territory, and
748 into not less than eighty nor more than one hundred twenty
749 consecutively numbered representative districts of either
750 contiguous, overlapping, or identical territory. Should that
751 session adjourn without adopting such joint resolution, the
752 governor by proclamation shall reconvene the legislature within
753 thirty days in special apportionment session which shall not
754 exceed thirty consecutive days, during which no other business
755 shall be transacted, and it shall be the mandatory duty of the
756 legislature to adopt a joint resolution of apportionment.

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

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

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

783 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
 784 APPORTIONMENT.--Within fifteen days after the adjournment of an
 785 extraordinary apportionment session, the attorney general shall
 786 file a petition in the supreme court of the state setting forth
 787 the apportionment resolution adopted by the legislature, or, if
 788 none has been adopted, reporting that fact to the court.
 789 Consideration of the validity of a joint resolution of
 790 apportionment shall be had as provided for in cases of such
 791 joint resolution adopted at a regular or special apportionment
 792 session.

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

800 SECTION 17. Impeachment.--

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

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

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

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829 | shall not affect the civil or criminal responsibility of the
830 | officer.

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

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

837 | (a) ANNUAL BUDGETING. ~~Effective July 1, 1994,~~ General law
838 | shall prescribe the adoption of annual state budgetary and
839 | planning processes and require that detail reflecting the
840 | annualized costs of the state budget and reflecting the
841 | nonrecurring costs of the budget requests shall accompany state
842 | department and agency legislative budget requests, the
843 | governor's recommended budget, and appropriation bills. For
844 | purposes of this subsection, the terms "department" and "agency"
845 | shall include the judicial branch.

846 | (b) APPROPRIATION BILLS FORMAT. ~~Separate sections within~~
847 | the general appropriation bill shall be used for each major
848 | program area of the state budget; major program areas shall
849 | include: education enhancement "lottery" trust fund items;
850 | education (all other funds); human services; criminal justice
851 | and corrections; natural resources, environment, growth
852 | management, and transportation; general government; and judicial
853 | branch. Each major program area shall include an itemization of
854 | expenditures for: state operations; state capital outlay; aid to
855 | local governments and nonprofit organizations operations; aid to
856 | local governments and nonprofit organizations capital outlay;

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857 federal funds and the associated state matching funds; spending
858 authorizations for operations; and spending authorizations for
859 capital outlay. Additionally, appropriation bills passed by the
860 legislature shall include an itemization of specific
861 appropriations that exceed one million dollars ~~(\$1,000,000.00)~~
862 in 1992 dollars. For purposes of this subsection, "specific
863 appropriation," "itemization," and "major program area" shall be
864 defined by law. This itemization threshold shall be adjusted by
865 general law every four years to reflect the rate of inflation or
866 deflation as indicated in the Consumer Price Index for All Urban
867 Consumers, U.S. City Average, All Items, or successor reports as
868 reported by the United States Department of Labor, Bureau of
869 Labor Statistics or its successor. Substantive bills containing
870 appropriations shall also be subject to the itemization
871 requirement mandated under this provision and shall be subject
872 to the governor's specific appropriation veto power described in
873 Article III, section 8. ~~This subsection shall be effective July~~
874 ~~1, 1994.~~

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

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

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

899 (f) TRUST FUNDS.

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

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

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912 (3) Trust funds required by federal programs or mandates;
 913 trust funds established for bond covenants, indentures, or
 914 resolutions, whose revenues are legally pledged by the state or
 915 public body to meet debt service or other financial requirements
 916 of any debt obligations of the state or any public body; the
 917 state transportation trust fund; the trust fund containing the
 918 net annual proceeds from the Florida Education Lotteries; the
 919 Florida retirement trust fund; trust funds for institutions
 920 under the management of the Board of Regents, where such trust
 921 funds are for auxiliary enterprises and contracts, grants, and
 922 donations, as those terms are defined by general law; trust
 923 funds that serve as clearing funds or accounts for the chief
 924 financial officer or state agencies; trust funds that account
 925 for assets held by the state in a trustee capacity as an agent
 926 or fiduciary for individuals, private organizations, or other
 927 governmental units; and other trust funds authorized by this
 928 constitution, are not subject to the requirements set forth in
 929 paragraph (2) ~~of this subsection.~~

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

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

935 (g) BUDGET STABILIZATION FUND. ~~--Beginning with the 1994~~
 936 ~~1995 fiscal year, at least 1% of an amount equal to the last~~
 937 ~~completed fiscal year's net revenue collections for the general~~
 938 ~~revenue fund shall be retained in a budget stabilization fund.~~
 939 ~~The budget stabilization fund shall be increased to at least 2%~~

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940 ~~of said amount for the 1995-1996 fiscal year, at least 3% of~~
941 ~~said amount for the 1996-1997 fiscal year, at least 4% of said~~
942 ~~amount for the 1997-1998 fiscal year, and at least 5% of said~~
943 ~~amount for the 1998-1999 fiscal year.~~ Subject to the provisions
944 of this subsection, the budget stabilization fund shall be
945 maintained at an amount equal to at least five percent ~~5%~~ of the
946 last completed fiscal year's net revenue collections for the
947 general revenue fund. The budget stabilization fund's principal
948 balance shall not exceed an amount equal to ten percent ~~10%~~ of
949 the last completed fiscal year's net revenue collections for the
950 general revenue fund. The legislature shall provide criteria for
951 withdrawing funds from the budget stabilization fund in a
952 separate bill for that purpose only and only for the purpose of
953 covering revenue shortfalls of the general revenue fund or for
954 the purpose of providing funding for an emergency, as defined by
955 general law. General law shall provide for the restoration of
956 this fund. The budget stabilization fund shall be comprised of
957 funds not otherwise obligated or committed for any purpose.

958 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
959 PLANNING DOCUMENT PROCESSES.--The governor shall recommend to
960 the legislature biennially any revisions to the state planning
961 document, as defined by law. General law shall require a
962 biennial review and revision of the state planning document,
963 shall require the governor to report to the legislature on the
964 progress in achieving the state planning document's goals, and
965 shall require all departments and agencies of state government
966 to develop planning documents consistent with the state planning
967 document. The state planning document and department and agency

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968 | planning documents shall remain subject to review and revision
 969 | by the legislature. The department and agency planning documents
 970 | shall include a prioritized listing of planned expenditures for
 971 | review and possible reduction in the event of revenue
 972 | shortfalls, as defined by general law. To ensure productivity
 973 | and efficiency in the executive, legislative, and judicial
 974 | branches, a quality management and accountability program shall
 975 | be implemented by general law. For the purposes of this
 976 | subsection, the terms "department" and "agency" shall include
 977 | the judicial branch. ~~This subsection shall be effective July 1,~~
 978 | ~~1993.~~

980 | ARTICLE IV

981 | EXECUTIVE

982 | SECTION 1. Governor.--

983 | (a) The supreme executive power shall be vested in a
 984 | governor, who shall be commander-in-chief of all military forces
 985 | of the state not in active service of the United States. The
 986 | governor shall take care that the laws be faithfully executed,
 987 | commission all officers of the state and counties, and transact
 988 | all necessary business with the officers of government. The
 989 | governor may require information in writing from all executive
 990 | or administrative state, county, or municipal officers upon any
 991 | subject relating to the duties of their respective offices. The
 992 | governor shall be the chief administrative officer of the state
 993 | responsible for the planning and budgeting for the state.
 994 |

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

999 (c) The governor may request in writing the opinion of the
1000 justices of the supreme court as to the interpretation of any
1001 portion of this constitution upon any question affecting the
1002 governor's executive powers and duties. The justices shall,
1003 subject to their rules of procedure, permit interested persons
1004 to be heard on the questions presented and shall render their
1005 written opinion not earlier than ten days from the filing and
1006 docketing of the request, unless in their judgment the delay
1007 would cause public injury.

1008 (d) The governor shall have power to call out the militia
1009 to preserve the public peace, execute the laws of the state,
1010 suppress insurrection, or repel invasion.

1011 (e) The governor shall by message at least once in each
1012 regular session inform the legislature concerning the condition
1013 of the state, propose such reorganization of the executive
1014 department as will promote efficiency and economy, and recommend
1015 measures in the public interest.

1016 (f) When not otherwise provided for in this constitution,
1017 the governor shall fill by appointment any vacancy in a state or
1018 county office for the remainder of the term of an appointive
1019 office, and for the remainder of the term of an elective office
1020 if less than twenty-eight months, otherwise until the first
1021 Tuesday after the first Monday following the next general
1022 election.

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1023 SECTION 2. Lieutenant governor.--There shall be a
 1024 lieutenant governor, who shall perform such duties pertaining to
 1025 the office of governor as shall be assigned by the governor,
 1026 except when otherwise provided by law, and such other duties as
 1027 may be prescribed by law.

1028 SECTION 3. Succession to office of governor; acting
 1029 governor.--

1030 (a) Upon vacancy in the office of governor, the lieutenant
 1031 governor shall become governor. Further succession to the office
 1032 of governor shall be prescribed by law. A successor shall serve
 1033 for the remainder of the term.

1034 (b) Upon impeachment of the governor and until completion
 1035 of trial thereof, or during the governor's physical or mental
 1036 incapacity, the lieutenant governor shall act as governor.
 1037 Further succession as acting governor shall be prescribed by
 1038 law. Incapacity to serve as governor may be determined by the
 1039 supreme court upon due notice after docketing of a written
 1040 suggestion thereof by three cabinet members, and in such case
 1041 restoration of capacity shall be similarly determined after
 1042 docketing of written suggestion thereof by the governor, the
 1043 legislature, or three cabinet members. Incapacity to serve as
 1044 governor may also be established by certificate filed with the
 1045 custodian of state records by the governor declaring incapacity
 1046 for physical reasons to serve as governor, and in such case
 1047 restoration of capacity shall be similarly established.

1048 SECTION 4. Cabinet.--

1049 (a) There shall be a cabinet composed of an attorney
 1050 general, a chief financial officer, and a commissioner of

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1051 agriculture. In addition to the powers and duties specified
 1052 herein, they shall exercise such powers and perform such duties
 1053 as may be prescribed by law. In the event of a tie vote of the
 1054 governor and cabinet, the side on which the governor voted shall
 1055 be deemed to prevail.

1056 (b) The attorney general shall be the chief state legal
 1057 officer. There is created in the office of the attorney general
 1058 the position of statewide prosecutor. The statewide prosecutor
 1059 shall have concurrent jurisdiction with the state attorneys to
 1060 prosecute violations of criminal laws occurring or having
 1061 occurred, in two or more judicial circuits as part of a related
 1062 transaction, or when any such offense is affecting or has
 1063 affected two or more judicial circuits as provided by general
 1064 law. The statewide prosecutor shall be appointed by the attorney
 1065 general from not fewer ~~less~~ than three persons nominated by the
 1066 judicial nominating commission for the supreme court, or as
 1067 otherwise provided by general law.

1068 (c) The chief financial officer shall serve as the chief
 1069 fiscal officer of the state, ~~and~~ shall settle and approve
 1070 accounts against the state, and shall keep all state funds and
 1071 securities.

1072 (d) The commissioner of agriculture shall have supervision
 1073 of matters pertaining to agriculture except as otherwise
 1074 provided by law.

1075 (e) The governor as chair, the chief financial officer,
 1076 and the attorney general shall constitute the state board of
 1077 administration, which shall succeed to all the power, control,
 1078 and authority of the state board of administration established

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1079 | pursuant to Article IX, section 16 of the constitution of 1885,
1080 | and which shall continue as a body at least for the life of
1081 | Article XII, section 7(c) ~~9(e)~~.

1082 | (f) The governor as chair, the chief financial officer,
1083 | the attorney general, and the commissioner of agriculture shall
1084 | constitute the trustees of the internal improvement trust fund
1085 | and the land acquisition trust fund as provided by law.

1086 | (g) The governor as chair, the chief financial officer,
1087 | the attorney general, and the commissioner of agriculture shall
1088 | constitute the agency head of the Department of Law Enforcement.

1089 | SECTION 5. Election of governor, lieutenant governor, and
1090 | cabinet members; qualifications; terms.--

1091 | (a) At a statewide ~~state-wide~~ general election in each
1092 | calendar year the number of which is even but not a multiple of
1093 | four, the electors shall choose a governor and a lieutenant
1094 | governor and members of the cabinet each for a term of four
1095 | years beginning on the first Tuesday after the first Monday in
1096 | January of the succeeding year. In primary elections, candidates
1097 | for the office of governor may choose to run without a
1098 | lieutenant governor candidate. In the general election, all
1099 | candidates for the offices of governor and lieutenant governor
1100 | shall form joint candidacies in a manner prescribed by law so
1101 | that each voter shall cast a single vote for a candidate for
1102 | governor and a candidate for lieutenant governor running
1103 | together.

1104 | (b) When elected, the governor, lieutenant governor, and
1105 | each cabinet member must be an elector not less than thirty
1106 | years of age who has resided in the state for the preceding

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1107 seven years. The attorney general must have been a member of the
1108 bar of Florida for the preceding five years. No person who has,
1109 or but for resignation would have, served as governor or acting
1110 governor for more than six years in two consecutive terms shall
1111 be elected governor for the succeeding term.

1112 SECTION 6. Executive departments.--All functions of the
1113 executive branch of state government shall be allotted among not
1114 more than twenty-five departments, exclusive of those
1115 specifically provided for or authorized in this constitution.
1116 The administration of each department, unless otherwise provided
1117 in this constitution, shall be placed by law under the direct
1118 supervision of the governor, the lieutenant governor, the
1119 governor and cabinet, a cabinet member, or an officer or board
1120 appointed by and serving at the pleasure of the governor,
1121 except:

1122 (a) When provided by law, confirmation by the senate or
1123 the approval of three members of the cabinet shall be required
1124 for appointment to or removal from any designated statutory
1125 office.

1126 (b) Boards authorized to grant and revoke licenses to
1127 engage in regulated occupations shall be assigned to appropriate
1128 departments and their members appointed for fixed terms, subject
1129 to removal only for cause.

1130 SECTION 7. Suspensions; filling office during
1131 suspensions.--

1132 (a) By executive order stating the grounds and filed with
1133 the custodian of state records, the governor may suspend from
1134 office any state officer not subject to impeachment, any officer

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1135 | of the militia not in the active service of the United States,
 1136 | or any county officer, for malfeasance, misfeasance, neglect of
 1137 | duty, drunkenness, incompetence, permanent inability to perform
 1138 | official duties, or commission of a felony, and may fill the
 1139 | office by appointment for the period of suspension. The
 1140 | suspended officer may at any time before removal be reinstated
 1141 | by the governor.

1142 | (b) The senate may, in proceedings prescribed by law,
 1143 | remove from office or reinstate the suspended official and for
 1144 | such purpose the senate may be convened in special session by
 1145 | its president or by a majority of its membership.

1146 | (c) By order of the governor, any elected municipal
 1147 | officer indicted for a crime may be suspended from office until
 1148 | acquitted and the office filled by appointment for the period of
 1149 | suspension, not to extend beyond the term, unless these powers
 1150 | are vested elsewhere by law or the municipal charter.

1151 | SECTION 8. Clemency.--

1152 | (a) Except in cases of treason and in cases where
 1153 | impeachment results in conviction, the governor may, by
 1154 | executive order filed with the custodian of state records,
 1155 | suspend collection of fines and forfeitures, grant reprieves not
 1156 | exceeding sixty days and, with the approval of two members of
 1157 | the cabinet, grant full or conditional pardons, restore civil
 1158 | rights, commute punishment, and remit fines and forfeitures for
 1159 | offenses.

1160 | (b) In cases of treason, the governor may grant reprieves
 1161 | until adjournment of the regular session of the legislature
 1162 | convening next after the conviction, at which session the

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1163 legislature may grant a pardon or further reprieve; otherwise
1164 the sentence shall be executed.

1165 (c) There may be created by law a parole and probation
1166 commission with power to supervise persons on probation and to
1167 grant paroles or conditional releases to persons under sentences
1168 for crime. The qualifications, method of selection and terms,
1169 not to exceed six years, of members of the commission shall be
1170 prescribed by law.

1171 SECTION 9. Fish and wildlife conservation
1172 commission.--There shall be a fish and wildlife conservation
1173 commission, composed of seven members appointed by the governor,
1174 subject to confirmation by the senate for staggered terms of
1175 five years. The commission shall exercise the regulatory and
1176 executive powers of the state with respect to wild animal life
1177 and freshwater ~~fresh-water~~ aquatic life, and shall also exercise
1178 regulatory and executive powers of the state with respect to
1179 marine life, except that all license fees for taking wild animal
1180 life, freshwater ~~fresh-water~~ aquatic life, and marine life and
1181 penalties for violating regulations of the commission shall be
1182 prescribed by general law. The commission shall establish
1183 procedures to ensure adequate due process in the exercise of its
1184 regulatory and executive functions. The legislature may enact
1185 laws in aid of the commission, not inconsistent with this
1186 section, except that there shall be no special law or general
1187 law of local application pertaining to hunting or fishing. The
1188 commission's exercise of executive powers in the area of
1189 planning, budgeting, personnel management, and purchasing shall
1190 be as provided by law. Revenue derived from license fees for the

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1191 taking of wild animal life and freshwater ~~fresh-water~~ aquatic
 1192 life shall be appropriated to the commission by the legislature
 1193 for the purposes of management, protection, and conservation of
 1194 wild animal life and freshwater ~~fresh-water~~ aquatic life.
 1195 Revenue derived from license fees relating to marine life shall
 1196 be appropriated by the legislature for the purposes of
 1197 management, protection, and conservation of marine life as
 1198 provided by law. The commission shall not be a unit of any other
 1199 state agency and shall have its own staff, which includes
 1200 management, research, and enforcement. Unless provided by
 1201 general law, the commission shall have no authority to regulate
 1202 matters relating to air and water pollution.

1203 SECTION 10. Attorney General.--The attorney general shall,
 1204 as directed by general law, request the opinion of the justices
 1205 of the supreme court as to the validity of any initiative
 1206 petition circulated pursuant to Article XI, section 3 ~~of Article~~
 1207 ~~XI~~. The justices shall, subject to their rules of procedure,
 1208 permit interested persons to be heard on the questions presented
 1209 and shall render their written opinion no later than April 1 of
 1210 the year in which the initiative is to be submitted to the
 1211 voters pursuant to Article XI, section 5 ~~of Article XI~~.

1212 SECTION 11. Department of Veterans Affairs.--The
 1213 legislature, by general law, may provide for the establishment
 1214 of the Department of Veterans Affairs.

1215 SECTION 12. Department of Elderly Affairs.--The
 1216 legislature may create a Department of Elderly Affairs and
 1217 prescribe its duties. The provisions governing the

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1218 administration of the department must comply with Article IV,
1219 section 6 of ~~Article IV of the State Constitution.~~

1220 SECTION 13. Revenue Shortfalls.--In the event of revenue
1221 shortfalls, as defined by general law, the governor and cabinet
1222 may establish all necessary reductions in the state budget in
1223 order to comply with the provisions of Article VII, section
1224 1(d). The governor and cabinet shall implement all necessary
1225 reductions for the executive budget, the chief justice of the
1226 supreme court shall implement all necessary reductions for the
1227 judicial budget, and the speaker of the house of representatives
1228 and the president of the senate shall implement all necessary
1229 reductions for the legislative budget. Budget reductions
1230 pursuant to this section shall be consistent with the provisions
1231 of Article III, section 18(h) ~~19(h)~~.

1232
1233 ARTICLE V

1234 JUDICIARY

1235
1236 SECTION 1. Courts.--The judicial power shall be vested in
1237 a supreme court, district courts of appeal, circuit courts, and
1238 county courts. No other courts may be established by the state,
1239 any political subdivision, or any municipality. The legislature
1240 shall, by general law, divide the state into appellate court
1241 districts and judicial circuits following county lines.
1242 Commissions established by law, or administrative officers or
1243 bodies, may be granted quasi-judicial power in matters connected
1244 with the functions of their offices. The legislature may
1245 establish, by general law, a civil traffic hearing officer

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1246 | system for the purpose of hearing civil traffic infractions. The
 1247 | legislature may, by general law, authorize a military court-
 1248 | martial to be conducted by military judges of the Florida
 1249 | National Guard, with direct appeal of a decision to the District
 1250 | Court of Appeal, First District.

1251 | SECTION 2. Administration; practice and procedure.--

1252 | (a) The supreme court shall adopt rules for the practice
 1253 | and procedure in all courts including the time for seeking
 1254 | appellate review, the administrative supervision of all courts,
 1255 | the transfer to the court having jurisdiction of any proceeding
 1256 | when the jurisdiction of another court has been improvidently
 1257 | invoked, and a requirement that no cause shall be dismissed
 1258 | because an improper remedy has been sought. The supreme court
 1259 | shall adopt rules to allow the court and the district courts of
 1260 | appeal to submit questions relating to military law to the
 1261 | federal Court of Appeals for the Armed Forces for an advisory
 1262 | opinion. Rules of court may be repealed by general law enacted
 1263 | by two-thirds vote of the membership of each house of the
 1264 | legislature.

1265 | (b) The chief justice of the supreme court shall be chosen
 1266 | by a majority of the members of the court; shall be the chief
 1267 | administrative officer of the judicial system; and shall have
 1268 | the power to assign justices or judges, including consenting
 1269 | retired justices or judges, to temporary duty in any court for
 1270 | which the judge is qualified and to delegate to a chief judge of
 1271 | a judicial circuit the power to assign judges for duty in that
 1272 | circuit.

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1273 (c) A chief judge for each district court of appeal shall
 1274 be chosen by a majority of the judges thereof or, if there is no
 1275 majority, by the chief justice. The chief judge shall be
 1276 responsible for the administrative supervision of the court.

1277 (d) A chief judge in each circuit shall be chosen from
 1278 among the circuit judges as provided by supreme court rule. The
 1279 chief judge shall be responsible for the administrative
 1280 supervision of the circuit courts and county courts in his or
 1281 her circuit.

1282 SECTION 3. Supreme court.--

1283 (a) ORGANIZATION.--The supreme court shall consist of
 1284 seven justices. Of the seven justices, each appellate district
 1285 shall have at least one justice elected or appointed from the
 1286 district to the supreme court who is a resident of the district
 1287 at the time of the original appointment or election. Five
 1288 justices shall constitute a quorum. The concurrence of four
 1289 justices shall be necessary to a decision. When recusals for
 1290 cause would prohibit the court from convening because of the
 1291 requirements of this section, judges assigned to temporary duty
 1292 may be substituted for justices.

1293 (b) JURISDICTION.--The supreme court:

1294 (1) Shall hear appeals from final judgments of trial
 1295 courts imposing the death penalty and from decisions of district
 1296 courts of appeal declaring invalid a state statute or a
 1297 provision of the state constitution.

1298 (2) When provided by general law, shall hear appeals from
 1299 final judgments entered in proceedings for the validation of
 1300 bonds or certificates of indebtedness and shall review action of

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1301 statewide agencies relating to rates or service of utilities
1302 providing electric, gas, or telephone service.

1303 (3) May review any decision of a district court of appeal
1304 that expressly declares valid a state statute, or that expressly
1305 construes a provision of the state or federal constitution, or
1306 that expressly affects a class of constitutional or state
1307 officers, or that expressly and directly conflicts with a
1308 decision of another district court of appeal or of the supreme
1309 court on the same question of law.

1310 (4) May review any decision of a district court of appeal
1311 that passes upon a question certified by it to be of great
1312 public importance, or that is certified by it to be in direct
1313 conflict with a decision of another district court of appeal.

1314 (5) May review any order or judgment of a trial court
1315 certified by the district court of appeal, in which an appeal is
1316 pending, to be of great public importance, or to have a great
1317 effect on the proper administration of justice throughout the
1318 state, and certified to require immediate resolution by the
1319 supreme court.

1320 (6) May review a question of law certified by the Supreme
1321 Court of the United States or a United States Court of Appeals
1322 which is determinative of the cause and for which there is no
1323 controlling precedent of the supreme court of Florida.

1324 (7) May issue writs of prohibition to courts and all writs
1325 necessary to the complete exercise of its jurisdiction.

1326 (8) May issue writs of mandamus and quo warranto to state
1327 officers and state agencies.

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1328 (9) May, or any justice may, issue writs of habeas corpus
1329 returnable before the supreme court or any justice, a district
1330 court of appeal or any judge thereof, or any circuit judge.

1331 (10) Shall, when requested by the attorney general
1332 pursuant to the provisions of Article IV, section 10 ~~of Article~~
1333 ~~IV~~, render an advisory opinion of the justices, addressing
1334 issues as provided by general law.

1335 (c) CLERK AND MARSHAL.--The supreme court shall appoint a
1336 clerk and a marshal who shall hold office at ~~during~~ the pleasure
1337 of the court and perform such duties as the court directs. Their
1338 compensation shall be fixed by general law. The marshal shall
1339 have the power to execute the process of the court throughout
1340 the state, and in any county may deputize the sheriff or a
1341 deputy sheriff for such purpose.

1342 SECTION 4. District courts of appeal.--

1343 (a) ORGANIZATION.--There shall be a district court of
1344 appeal serving each appellate district. Each district court of
1345 appeal shall consist of at least three judges. Three judges
1346 shall consider each case and the concurrence of two shall be
1347 necessary to a decision.

1348 (b) JURISDICTION.--

1349 (1) District courts of appeal shall have jurisdiction to
1350 hear appeals~~7~~ that may be taken as a matter of right~~7~~ from final
1351 judgments or orders of trial courts, including those entered on
1352 review of administrative action, not directly appealable to the
1353 supreme court or a circuit court. They may review interlocutory
1354 orders in such cases to the extent provided by rules adopted by
1355 the supreme court.

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1356 (2) District courts of appeal shall have the power of
1357 direct review of administrative action, as prescribed by general
1358 law.

1359 (3) A district court of appeal or any judge thereof may
1360 issue writs of habeas corpus returnable before the court or any
1361 judge thereof or before any circuit judge within the territorial
1362 jurisdiction of the court. A district court of appeal may issue
1363 writs of mandamus, certiorari, prohibition, quo warranto, and
1364 other writs necessary to the complete exercise of its
1365 jurisdiction. To the extent necessary to dispose of all issues
1366 in a cause properly before it, a district court of appeal may
1367 exercise any of the appellate jurisdiction of the circuit
1368 courts.

1369 (c) CLERKS AND MARSHALS.--Each district court of appeal
1370 shall appoint a clerk and a marshal who shall hold office during
1371 the pleasure of the court and perform such duties as the court
1372 directs. Their compensation shall be fixed by general law. The
1373 marshal shall have the power to execute the process of the court
1374 throughout the territorial jurisdiction of the court, and in any
1375 county may deputize the sheriff or a deputy sheriff for such
1376 purpose.

1377 SECTION 5. Circuit courts.--

1378 (a) ORGANIZATION.--There shall be a circuit court serving
1379 each judicial circuit.

1380 (b) JURISDICTION.--The circuit courts shall have original
1381 jurisdiction not vested in the county courts, and jurisdiction
1382 of appeals when provided by general law. They shall have the
1383 power to issue writs of mandamus, quo warranto, certiorari,

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1384 prohibition, and habeas corpus, and all writs necessary or
 1385 proper to the complete exercise of their jurisdiction.
 1386 Jurisdiction of the circuit courts ~~court~~ shall be uniform
 1387 throughout the state. They shall have the power of direct review
 1388 of administrative action prescribed by general law.

1389 SECTION 6. County courts.--

1390 (a) ORGANIZATION.--There shall be a county court in each
 1391 county. There shall be one or more judges for each county court
 1392 as prescribed by general law.

1393 (b) JURISDICTION.--The county courts shall exercise the
 1394 jurisdiction prescribed by general law. Such jurisdiction shall
 1395 be uniform throughout the state.

1396 SECTION 7. Specialized divisions.--All courts except the
 1397 supreme court may sit in divisions as may be established by
 1398 general law. A circuit or county court may hold civil and
 1399 criminal trials and hearings in any place within the territorial
 1400 jurisdiction of the court as designated by the chief judge of
 1401 the circuit.

1402 SECTION 8. Eligibility.--No person shall be eligible for
 1403 office of justice or judge of any court unless the person is an
 1404 elector of the state and resides in the territorial jurisdiction
 1405 of the court. No justice or judge shall serve after attaining
 1406 the age of seventy years except upon temporary assignment or to
 1407 complete a term, one-half of which has been served. No person is
 1408 eligible for the office of justice of the supreme court or judge
 1409 of a district court of appeal unless the person is, and has been
 1410 for the preceding ten years, a member of the bar of Florida. No
 1411 person is eligible for the office of circuit judge unless the

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1412 person is, and has been for the preceding five years, a member
 1413 of the bar of Florida. Unless otherwise provided by general law,
 1414 no person is eligible for the office of county court judge
 1415 unless the person is, and has been for the preceding five years,
 1416 a member of the bar of Florida. Unless otherwise provided by
 1417 general law, a person shall be eligible for election or
 1418 appointment to the office of county court judge in a county
 1419 having a population of 40,000 or fewer ~~less~~ if the person is a
 1420 member in good standing of the bar of Florida.

1421 SECTION 9. Determination of number of judges.--The supreme
 1422 court shall establish by rule uniform criteria for the
 1423 determination of the need for additional judges except supreme
 1424 court justices, the necessity for decreasing the number of
 1425 judges and for increasing, decreasing, or redefining appellate
 1426 districts and judicial circuits. If the supreme court finds that
 1427 a need exists for increasing or decreasing the number of judges
 1428 or increasing, decreasing, or redefining appellate districts and
 1429 judicial circuits, it shall, prior to the next regular session
 1430 of the legislature, certify to the legislature its findings and
 1431 recommendations concerning such need. Upon receipt of such
 1432 certificate, the legislature, at the next regular session, shall
 1433 consider the findings and recommendations and may reject the
 1434 recommendations or by law implement the recommendations in whole
 1435 or in part; provided the legislature may create more judicial
 1436 offices than are recommended by the supreme court or may
 1437 decrease the number of judicial offices by a greater number than
 1438 recommended by the court only upon a finding of two-thirds of
 1439 the membership of both houses of the legislature, that such a

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1440 need exists. A decrease in the number of judges shall be
1441 effective only after the expiration of a term. If the supreme
1442 court fails to make findings as provided above when need exists,
1443 the legislature may by concurrent resolution request the court
1444 to certify its findings and recommendations and upon the failure
1445 of the court to certify its findings for nine consecutive
1446 months, the legislature may, upon a finding of two-thirds of the
1447 membership of both houses of the legislature that a need exists,
1448 increase or decrease the number of judges or increase, decrease,
1449 or redefine appellate districts and judicial circuits.

1450 SECTION 10. Retention; election and terms.--

1451 (a) Any justice or judge may qualify for retention by a
1452 vote of the electors in the general election next preceding the
1453 expiration of the justice's or judge's term in the manner
1454 prescribed by law. If a justice or judge is ineligible or fails
1455 to qualify for retention, a vacancy shall exist in that office
1456 upon the expiration of the term being served by the justice or
1457 judge. When a justice or judge so qualifies, the ballot shall
1458 read substantially as follows: "Shall Justice (or Judge) (name
1459 of justice or judge) of the (name of the court) be
1460 retained in office?" If a majority of the qualified electors
1461 voting within the territorial jurisdiction of the court vote to
1462 retain, the justice or judge shall be retained for a term of six
1463 years. The term of the justice or judge retained shall commence
1464 on the first Tuesday after the first Monday in January following
1465 the general election. If a majority of the qualified electors
1466 voting within the territorial jurisdiction of the court vote to

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1467 | not retain, a vacancy shall exist in that office upon the
1468 | expiration of the term being served by the justice or judge.

1469 | (b) (1) The election of circuit judges shall be preserved
1470 | notwithstanding the provisions of subsection (a) unless a
1471 | majority of those voting in the jurisdiction of that circuit
1472 | approves a local option to select circuit judges by merit
1473 | selection and retention rather than by election. The election of
1474 | circuit judges shall be by a vote of the qualified electors
1475 | within the territorial jurisdiction of the court.

1476 | (2) The election of county court judges shall be preserved
1477 | notwithstanding the provisions of subsection (a) unless a
1478 | majority of those voting in the jurisdiction of that county
1479 | approves a local option to select county judges by merit
1480 | selection and retention rather than by election. The election of
1481 | county court judges shall be by a vote of the qualified electors
1482 | within the territorial jurisdiction of the court.

1483 | (3)a. ~~A vote to exercise a local option to select circuit~~
1484 | ~~court judges and county court judges by merit selection and~~
1485 | ~~retention rather than by election shall be held in each circuit~~
1486 | ~~and county at the general election in the year 2000. If a vote~~
1487 | ~~to exercise the this local option to select circuit court judges~~
1488 | ~~and county court judges by merit selection and retention rather~~
1489 | ~~than by election~~ fails in a vote of the electors, such option
1490 | shall not again be put to a vote of the electors of that
1491 | jurisdiction until the expiration of at least two years.

1492 | b. ~~After the year 2000,~~ A circuit may initiate the local
1493 | option for merit selection and retention or the election of
1494 | circuit judges, whichever is applicable, by filing with the

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1495 | custodian of state records a petition signed by the number of
1496 | electors equal to at least ten percent of the votes cast in the
1497 | circuit in the last preceding election in which presidential
1498 | electors were chosen.

1499 | c. ~~After the year 2000,~~ A county may initiate the local
1500 | option for merit selection and retention or the election of
1501 | county court judges, whichever is applicable, by filing with the
1502 | supervisor of elections a petition signed by the number of
1503 | electors equal to at least ten percent of the votes cast in the
1504 | county in the last preceding election in which presidential
1505 | electors were chosen. The terms of circuit judges and judges of
1506 | county courts shall be for six years.

1507 | SECTION 11. Vacancies.--

1508 | (a) Whenever a vacancy occurs in a judicial office to
1509 | which election for retention applies, the governor shall fill
1510 | the vacancy by appointing for a term ending on the first Tuesday
1511 | after the first Monday in January of the year following the next
1512 | general election occurring at least one year after the date of
1513 | appointment, one of not fewer than three persons nor more than
1514 | six persons nominated by the appropriate judicial nominating
1515 | commission.

1516 | (b) The governor shall fill each vacancy on a circuit
1517 | court or on a county court, wherein the judges are elected by a
1518 | majority vote of the electors, by appointing for a term ending
1519 | on the first Tuesday after the first Monday in January of the
1520 | year following the next primary and general election occurring
1521 | at least one year after the date of appointment, one of not
1522 | fewer than three persons nor more than six persons nominated by

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1523 the appropriate judicial nominating commission. An election
1524 shall be held to fill that judicial office for the term of the
1525 office beginning at the end of the appointed term.

1526 (c) The nominations shall be made within thirty days from
1527 the occurrence of a vacancy unless the period is extended by the
1528 governor for a time not to exceed thirty days. The governor
1529 shall make the appointment within sixty days after the
1530 nominations have been certified to the governor.

1531 (d) There shall be a separate judicial nominating
1532 commission as provided by general law for the supreme court,
1533 each district court of appeal, and each judicial circuit for all
1534 trial courts within the circuit. Uniform rules of procedure
1535 shall be established by the judicial nominating commissions at
1536 each level of the court system. Such rules, or any part thereof,
1537 may be repealed by general law enacted by a majority vote of the
1538 membership of each house of the legislature, or by the supreme
1539 court, five justices concurring. Except for deliberations of the
1540 judicial nominating commissions, the proceedings of the
1541 commissions and their records shall be open to the public.

1542 SECTION 12. Discipline; removal and retirement.--

1543 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial
1544 qualifications commission is created.

1545 (1) There shall be a judicial qualifications commission
1546 vested with jurisdiction to investigate and recommend to the
1547 Supreme Court of Florida the removal from office of any justice
1548 or judge whose conduct, during term of office or otherwise
1549 occurring, on or after November 1, 1966, ~~(without regard to the~~
1550 ~~effective date of this section)~~ demonstrates a present unfitness

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1551 to hold office, and to investigate and recommend the discipline
 1552 of a justice or judge whose conduct, during term of office or
 1553 otherwise occurring ~~on or after November 1, 1966 (without regard~~
 1554 ~~to the effective date of this section)~~, warrants such
 1555 discipline. For purposes of this section the term, "discipline"
 1556 is defined as any or all of the following: reprimand, fine,
 1557 suspension with or without pay, or lawyer discipline. The
 1558 commission shall have jurisdiction over justices and judges
 1559 regarding allegations that misconduct occurred before or during
 1560 service as a justice or judge if a complaint is made no later
 1561 than one year following service as a justice or judge. The
 1562 commission shall have jurisdiction regarding allegations of
 1563 incapacity during service as a justice or judge. The commission
 1564 shall be composed of:

1565 a. Two judges of district courts of appeal selected by the
 1566 judges of those courts, two circuit judges selected by the
 1567 judges of the circuit courts and two judges of county courts
 1568 selected by the judges of those courts;

1569 b. Four electors who reside in the state, who are members
 1570 of the bar of Florida, and who shall be chosen by the governing
 1571 body of the bar of Florida; and

1572 c. Five electors who reside in the state, who have never
 1573 held judicial office or been members of the bar of Florida, and
 1574 who shall be appointed by the governor.

1575 (2) The members of the judicial qualifications commission
 1576 shall serve staggered terms, not to exceed six years, as
 1577 prescribed by general law. No member of the commission except a
 1578 judge shall be eligible for state judicial office while acting

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1579 as a member of the commission and for a period of two years
1580 thereafter. No member of the commission shall hold office in a
1581 political party or participate in any campaign for judicial
1582 office or hold public office; provided that a judge may campaign
1583 for judicial office and hold that office. The commission shall
1584 elect one of its members as its chair ~~chairperson~~.

1585 (3) Members of the judicial qualifications commission who
1586 are not subject to impeachment shall be subject to removal from
1587 the commission pursuant to the provisions of Article IV, section
1588 7, ~~Florida Constitution~~.

1589 (4) The commission shall adopt rules regulating its
1590 proceedings, the filling of vacancies by the appointing
1591 authorities, the disqualification of members, the rotation of
1592 members between the panels, and the temporary replacement of
1593 disqualified or incapacitated members. The commission's rules,
1594 or any part thereof, may be repealed by general law enacted by a
1595 majority vote of the membership of each house of the
1596 legislature, or by the supreme court, five justices concurring.
1597 The commission shall have power to issue subpoenas. Until formal
1598 charges against a justice or judge are filed by the
1599 investigative panel with the clerk of the supreme court of
1600 Florida all proceedings by or before the commission shall be
1601 confidential; provided, however, upon a finding of probable
1602 cause and the filing by the investigative panel with said clerk
1603 of such formal charges against a justice or judge such charges
1604 and all further proceedings before the commission shall be
1605 public.

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1606 (5) The commission shall have access to all information
1607 from all executive, legislative, and judicial agencies,
1608 including grand juries, subject to the rules of the commission.
1609 At any time, on request of the speaker of the house of
1610 representatives or the governor, the commission shall make
1611 available all information in the possession of the commission
1612 for use in consideration of impeachment or suspension,
1613 respectively.

1614 (b) PANELS.--The commission shall be divided into an
1615 investigative panel and a hearing panel as established by rule
1616 of the commission. The investigative panel is vested with the
1617 jurisdiction to receive or initiate complaints, conduct
1618 investigations, dismiss complaints, and upon a vote of a simple
1619 majority of the panel submit formal charges to the hearing
1620 panel. The hearing panel is vested with the authority to receive
1621 and hear formal charges from the investigative panel and upon a
1622 two-thirds vote of the panel recommend to the supreme court the
1623 removal of a justice or judge or the involuntary retirement of a
1624 justice or judge for any permanent disability that seriously
1625 interferes with the performance of judicial duties. Upon a
1626 simple majority vote of the membership of the hearing panel, the
1627 panel may recommend to the supreme court that the justice or
1628 judge be subject to appropriate discipline.

1629 (c) SUPREME COURT.--The supreme court shall receive
1630 recommendations from the judicial qualifications commission's
1631 hearing panel.

1632 (1) The supreme court may accept, reject, or modify in
1633 whole or in part the findings, conclusions, and recommendations

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1634 of the commission and it may order that the justice or judge be
 1635 subjected to appropriate discipline, or be removed from office
 1636 with termination of compensation for willful or persistent
 1637 failure to perform judicial duties or for other conduct
 1638 unbecoming a member of the judiciary demonstrating a present
 1639 unfitness to hold office, or be involuntarily retired for any
 1640 permanent disability that seriously interferes with the
 1641 performance of judicial duties. Mala fides ~~Malafides~~, scienter,
 1642 or moral turpitude on the part of a justice or judge shall not
 1643 be required for removal from office of a justice or judge whose
 1644 conduct demonstrates a present unfitness to hold office. After
 1645 the filing of a formal proceeding and upon request of the
 1646 investigative panel, the supreme court may suspend the justice
 1647 or judge from office, with or without compensation, pending
 1648 final determination of the inquiry.

1649 (2) The supreme court may award costs to the prevailing
 1650 party.

1651 (d) The power of removal conferred by this section shall
 1652 be both alternative and cumulative to the power of impeachment.

1653 (e) Notwithstanding subsections (a) - (d) ~~any of the~~
 1654 ~~foregoing provisions of this section~~, if the person who is the
 1655 subject of proceedings by the judicial qualifications commission
 1656 is a justice of the supreme court, ~~of Florida~~ all justices of
 1657 the supreme ~~such~~ court ~~are~~ automatically ~~shall be~~ disqualified
 1658 to sit as supreme court justices for any ~~of such court with~~
 1659 ~~respect to all proceedings therein~~ concerning him or her. ~~such~~
 1660 ~~person and~~ The supreme court for such purposes shall be composed
 1661 of a panel consisting of the seven chief judges of the judicial

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1662 | circuits of this ~~the~~ state of ~~Florida~~ most senior in tenure of
 1663 | judicial office as circuit judge. For purposes of determining
 1664 | seniority of such circuit judges in the event there be judges of
 1665 | equal tenure in judicial office as circuit judge, the judge or
 1666 | judges from the lower numbered circuit or circuits shall be
 1667 | deemed senior. In the event any such chief circuit judge is
 1668 | under investigation by the judicial qualifications commission or
 1669 | is otherwise disqualified or unable to serve on the panel, the
 1670 | next most senior chief circuit judge or judges shall serve in
 1671 | place of such disqualified or disabled chief circuit judge.

1672 | (f) SCHEDULE TO SECTION 12.--

1673 | (1) Except to the extent inconsistent with the provisions
 1674 | of this section, all provisions of law and rules of court in
 1675 | force on the effective date of this article shall continue in
 1676 | effect until superseded in the manner authorized by this ~~the~~
 1677 | constitution.

1678 | (2) After this section becomes effective and until adopted
 1679 | by rule of the commission consistent with it:

1680 | a. The commission shall be divided, as determined by the
 1681 | chairperson, into one investigative panel and one hearing panel
 1682 | to meet the responsibilities set forth in this section.

1683 | b. The investigative panel shall be composed of:

- 1684 | 1. Four judges,
- 1685 | 2. Two members of the bar of Florida, and
- 1686 | 3. Three non-lawyers.

1687 | c. The hearing panel shall be composed of:

- 1688 | 1. Two judges,
- 1689 | 2. Two members of the bar of Florida, and

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- 1690 3. Two non-lawyers.
- 1691 d. Membership on the panels may rotate in a manner
- 1692 determined by the rules of the commission provided that no
- 1693 member shall vote as a member of the investigative and hearing
- 1694 panel on the same proceeding.
- 1695 e. The commission shall hire separate staff for each
- 1696 panel.
- 1697 f. The members of the commission shall serve for staggered
- 1698 terms of six years.
- 1699 ~~g. The terms of office of the present members of the~~
- 1700 ~~judicial qualifications commission shall expire upon the~~
- 1701 ~~effective date of the amendments to this section approved by the~~
- 1702 ~~legislature during the regular session of the legislature in~~
- 1703 ~~1996 and new members shall be appointed to serve the following~~
- 1704 ~~staggered terms:~~
- 1705 ~~1. Group I. The terms of five members, composed of two~~
- 1706 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~
- 1707 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~
- 1708 ~~V, one judge from the district courts of appeal and one circuit~~
- 1709 ~~judge as set forth in s. 12(a)(1)a. of Article V, shall expire~~
- 1710 ~~on December 31, 1998.~~
- 1711 ~~2. Group II. The terms of five members, composed of one~~
- 1712 ~~elector as set forth in s. 12(a)(1)c. of Article V, two members~~
- 1713 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~
- 1714 ~~V, one circuit judge and one county judge as set forth in s.~~
- 1715 ~~12(a)(1)a. of Article V shall expire on December 31, 2000.~~
- 1716 ~~3. Group III. The terms of five members, composed of two~~
- 1717 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~

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1718 ~~of the bar of Florida as set forth in s. 12(a)(1)b., one judge~~
 1719 ~~from the district courts of appeal and one county judge as set~~
 1720 ~~forth in s. 12(a)(1)a. of Article V, shall expire on December~~
 1721 ~~31, 2002.~~

1722 g.h. An appointment to fill a vacancy of the commission
 1723 shall be for the remainder of the term.

1724 h.i. Selection of members by district courts of appeal
 1725 judges, circuit judges, and county court judges, shall be by no
 1726 less than a majority of the members voting at the respective
 1727 courts' conferences. Selection of members by the board of
 1728 governors of the bar of Florida shall be by no less than a
 1729 majority of the board.

1730 i.j. The commission shall be entitled to recover the costs
 1731 of investigation and prosecution, in addition to any penalty
 1732 levied by the supreme court.

1733 j.k. The compensation of members and referees shall be the
 1734 travel expenses or transportation and per diem allowance as
 1735 provided by general law.

1736 SECTION 13. Prohibited activities.--All justices and
 1737 judges shall devote full time to their judicial duties. They
 1738 shall not engage in the practice of law or hold office in any
 1739 political party.

1740 SECTION 14. Funding.--

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

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1745 | provided in subsection (c), shall be provided from state
1746 | revenues appropriated by general law.

1747 | (b) All funding for the offices of the clerks of the
1748 | circuit and county courts performing court-related functions,
1749 | except as otherwise provided in this subsection and subsection
1750 | (c), shall be provided by adequate and appropriate filing fees
1751 | for judicial proceedings and service charges and costs for
1752 | performing court-related functions as required by general law.
1753 | Selected salaries, costs, and expenses of the state courts
1754 | system may be funded from appropriate filing fees for judicial
1755 | proceedings and service charges and costs for performing court-
1756 | related functions, as provided by general law. Where the
1757 | requirements of either the United States Constitution or this
1758 | ~~the constitution of the State of Florida~~ preclude the imposition
1759 | of filing fees for judicial proceedings and service charges and
1760 | costs for performing court-related functions sufficient to fund
1761 | the court-related functions of the offices of the clerks of the
1762 | circuit and county courts, the state shall provide, as
1763 | determined by the legislature, adequate and appropriate
1764 | supplemental funding from state revenues appropriated by general
1765 | law.

1766 | (c) No county or municipality, except as provided in this
1767 | subsection, shall be required to provide any funding for the
1768 | state courts system, state attorneys' offices, public defenders'
1769 | offices, court-appointed counsel, or the offices of the clerks
1770 | of the circuit and county courts performing court-related
1771 | functions. Counties shall be required to fund the cost of
1772 | communications services, existing radio systems, existing multi-

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1773 agency criminal justice information systems, and the cost of
 1774 construction or lease, maintenance, utilities, and security of
 1775 facilities for the trial courts, public defenders' offices,
 1776 state attorneys' offices, and the offices of the clerks of the
 1777 circuit and county courts performing court-related functions.
 1778 Counties shall also pay reasonable and necessary salaries,
 1779 costs, and expenses of the state courts system to meet local
 1780 requirements as determined by general law.

1781 (d) The judiciary shall have no power to fix
 1782 appropriations.

1783 SECTION 15. Attorneys; admission and discipline.--The
 1784 supreme court shall have exclusive jurisdiction to regulate the
 1785 admission of persons to the practice of law and the discipline
 1786 of persons admitted.

1787 SECTION 16. Clerks of the circuit courts.--There shall be
 1788 in each county a clerk of the circuit court who shall be
 1789 selected pursuant to the provisions of Article VIII, section 1.
 1790 Notwithstanding any other provision of this ~~the~~ constitution,
 1791 the duties of the clerk of the circuit court may be divided by
 1792 special or general law between two officers, one serving as
 1793 clerk of court and one serving as ex officio clerk of the board
 1794 of county commissioners, auditor, recorder, and custodian of all
 1795 county funds. There may be a clerk of the county court if
 1796 authorized by general or special law.

1797 SECTION 17. State attorneys.--In each judicial circuit, a
 1798 state attorney shall be elected for a term of four years. Except
 1799 as otherwise provided in this constitution, the state attorney
 1800 shall be the prosecuting officer of all trial courts in that

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1801 circuit and shall perform other duties prescribed by general
 1802 law; ~~provided,~~ however, when authorized by general law, the
 1803 violations of all municipal ordinances may be prosecuted by
 1804 municipal prosecutors. A state attorney shall be an elector of
 1805 the state and reside in the territorial jurisdiction of the
 1806 circuit, + shall be and have been a member of the bar of Florida
 1807 for the preceding five years, + shall devote full time to the
 1808 duties of the office, + and shall not engage in the private
 1809 practice of law. State attorneys shall appoint such assistant
 1810 state attorneys as may be authorized by law.

1811 SECTION 18. Public defenders.--In each judicial circuit, a
 1812 public defender shall be elected for a term of four years, who
 1813 shall perform duties prescribed by general law. A public
 1814 defender shall be an elector of the state and reside in the
 1815 territorial jurisdiction of the circuit and shall be and have
 1816 been a member of the bar of Florida for the preceding five
 1817 years. Public defenders shall appoint such assistant public
 1818 defenders as may be authorized by law.

1819 SECTION 19. Judicial officers as conservators of the
 1820 peace.--All judicial officers in this state shall be
 1821 conservators of the peace.

1822 SECTION 20. Schedule to Article V.--

1823 (a) This article shall replace all of Article V of the
 1824 constitution of 1885, as amended, which shall then stand
 1825 repealed.

1826 (b) Except to the extent inconsistent with the provisions
 1827 of this article, all provisions of law and rules of court in
 1828 force on the effective date of this article shall continue in

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1829 | effect until superseded in the manner authorized by this ~~the~~
1830 | constitution.

1831 | (c) After this article becomes effective, and until
1832 | changed by general law consistent with sections 1 through 19 of
1833 | this article:

1834 | (1) The supreme court shall have the jurisdiction
1835 | immediately theretofore exercised by it, and it shall determine
1836 | all proceedings pending before it on the effective date of this
1837 | article.

1838 | (2) The appellate districts shall be those in existence on
1839 | the date of adoption of this article. There shall be a district
1840 | court of appeal in each district. The district courts of appeal
1841 | shall have the jurisdiction immediately theretofore exercised by
1842 | the district courts of appeal and shall determine all
1843 | proceedings pending before them on the effective date of this
1844 | article.

1845 | (3) Circuit courts shall have jurisdiction of appeals from
1846 | county courts and municipal courts, except those appeals which
1847 | may be taken directly to the supreme court; and they shall have
1848 | exclusive original jurisdiction in all actions at law not
1849 | cognizable by the county courts; of proceedings relating to the
1850 | settlement of the estate of decedents and minors, the granting
1851 | of letters testamentary, guardianship, involuntary
1852 | hospitalization, the determination of incompetency, and other
1853 | jurisdiction usually pertaining to courts of probate; in all
1854 | cases in equity including all cases relating to juveniles; of
1855 | all felonies and of all misdemeanors arising out of the same
1856 | circumstances as a felony which is also charged; in all cases

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1857 involving legality of any tax assessment or toll; in the action
 1858 of ejectment; and in all actions involving the titles or
 1859 boundaries or right of possession of real property. The circuit
 1860 court may issue injunctions. There shall be judicial circuits
 1861 which shall be the judicial circuits in existence on the date of
 1862 adoption of this article. The chief judge of a circuit may
 1863 authorize a county court judge to order emergency
 1864 hospitalizations pursuant to Chapter 71-131, Laws of Florida, in
 1865 the absence from the county of the circuit judge and the county
 1866 court judge shall have the power to issue all temporary orders
 1867 and temporary injunctions necessary or proper to the complete
 1868 exercise of such jurisdiction.

1869 (4) County courts shall have original jurisdiction in all
 1870 criminal misdemeanor cases not cognizable by the circuit courts,
 1871 of all violations of municipal and county ordinances, and of all
 1872 actions at law in which the matter in controversy does not
 1873 exceed the sum of two thousand five hundred dollars ~~(\$2,500.00)~~
 1874 exclusive of interest and costs, except those within the
 1875 exclusive jurisdiction of the circuit courts. Judges of county
 1876 courts shall be committing magistrates. The county courts shall
 1877 have jurisdiction now exercised by the county judge's courts
 1878 other than that vested in the circuit court by paragraph
 1879 ~~subsection (c) (3) hereof~~, the jurisdiction now exercised by the
 1880 county courts, the claims court, the small claims courts, the
 1881 small claims magistrates courts, magistrates courts, justice of
 1882 the peace courts, municipal courts and courts of chartered
 1883 counties, including but not limited to the counties referred to

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1884 | in Article VIII, sections 9, 10, 11 and 24 of the constitution
1885 | of 1885.

1886 | (5) Each judicial nominating commission shall be composed
1887 | of the following:

1888 | a. Three members appointed by the Board of Governors of
1889 | The Florida Bar from among The Florida Bar members who are
1890 | actively engaged in the practice of law with offices within the
1891 | territorial jurisdiction of the affected court, district or
1892 | circuit;

1893 | b. Three electors who reside in the territorial
1894 | jurisdiction of the court or circuit appointed by the governor;
1895 | and

1896 | c. Three electors who reside in the territorial
1897 | jurisdiction of the court or circuit and who are not members of
1898 | the bar of Florida, selected and appointed by a majority vote of
1899 | the other six members of the commission.

1900 | (6) No justice or judge shall be a member of a judicial
1901 | nominating commission. A member of a judicial nominating
1902 | commission may hold public office other than judicial office. No
1903 | member shall be eligible for appointment to state judicial
1904 | office so long as that person is a member of a judicial
1905 | nominating commission and for a period of two years thereafter.
1906 | All acts of a judicial nominating commission shall be made with
1907 | a concurrence of a majority of its members.

1908 | (7) The members of a judicial nominating commission shall
1909 | serve for a term of four years. ~~except the terms of the initial~~
1910 | ~~members of the judicial nominating commissions shall expire as~~
1911 | ~~follows:~~

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1912 ~~a. The terms of one member of category a. b. and c. in~~
1913 ~~subsection (c) (5) hereof shall expire on July 1, 1974;~~

1914 ~~b. The terms of one member of category a. b. and c. in~~
1915 ~~subsection (c) (5) hereof shall expire on July 1, 1975;~~

1916 ~~e. The terms of one member of category a. b. and c. in~~
1917 ~~subsection (c) (5) hereof shall expire on July 1, 1976;~~

1918 (8) All fines and forfeitures arising from offenses tried
1919 in the county court shall be collected, and accounted for by
1920 clerk of the court, and deposited in a special trust account.
1921 All fines and forfeitures received from violations of ordinances
1922 or misdemeanors committed within a county or municipal
1923 ordinances committed within a municipality within the
1924 territorial jurisdiction of the county court shall be paid
1925 monthly to the county or municipality respectively. If any costs
1926 are assessed and collected in connection with offenses tried in
1927 county court, all court costs shall be paid into the general
1928 revenue fund of the state of Florida and such other funds as
1929 prescribed by general law.

1930 (9) Any municipality or county may apply to the chief
1931 judge of the circuit in which that municipality or county is
1932 situated for the county court to sit in a location suitable to
1933 the municipality or county and convenient in time and place to
1934 its citizens and police officers and upon such application said
1935 chief judge shall direct the court to sit in the location unless
1936 the chief judge shall determine the request is not justified. If
1937 the chief judge does not authorize the county court to sit in
1938 the location requested, the county or municipality may apply to
1939 the supreme court for an order directing the county court to sit

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1940 in the location. Any municipality or county which so applies
1941 shall be required to provide the appropriate physical facilities
1942 in which the county court may hold court.

1943 (10) All courts except the supreme court may sit in
1944 divisions as may be established by local rule approved by the
1945 supreme court.

1946 (11) A county court judge in any county having a
1947 population of 40,000 or fewer ~~less~~ according to the last
1948 decennial census, shall not be required to be a member of the
1949 bar of Florida.

1950 (12) Municipal prosecutors may prosecute violations of
1951 municipal ordinances.

1952 (13) "Justice" shall mean a justice elected or appointed
1953 to the supreme court and shall not include any judge assigned
1954 from any court.

1955 (d) When this article becomes effective:

1956 (1) All courts not herein authorized, except as provided
1957 by paragraph ~~subsection (d) (4) of this section~~ shall cease to
1958 exist and jurisdiction to conclude all pending cases and enforce
1959 all prior orders and judgments shall vest in the court that
1960 would have jurisdiction of the cause if thereafter instituted.
1961 All records of and property held by courts abolished hereby
1962 shall be transferred to the proper office of the appropriate
1963 court under this article.

1964 (2) Judges of the following courts, if their terms do not
1965 expire in 1973 and if they are eligible under paragraph
1966 ~~subsection (d) (8) hereof~~, shall become additional judges of the
1967 circuit court for each of the counties of their respective

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1968 | circuits, and shall serve as such circuit judges for the
 1969 | remainder of the terms to which they were elected and shall be
 1970 | eligible for election as circuit judges thereafter. These courts
 1971 | are: civil court of record of Dade county, all criminal courts
 1972 | of record, the felony courts of record of Alachua, Leon, and
 1973 | Volusia Counties, the courts of record of Broward, Brevard,
 1974 | Escambia, Hillsborough, Lee, Manatee, and Sarasota Counties, the
 1975 | civil and criminal court of record of Pinellas County, and
 1976 | county judge's courts and separate juvenile courts in counties
 1977 | having a population in excess of 100,000 according to the 1970
 1978 | federal census. On the effective date of this article, there
 1979 | shall be an additional number of positions of circuit judges
 1980 | equal to the number of existing circuit judges and the number of
 1981 | judges of the above named courts whose term expires in 1973.
 1982 | Elections to such offices shall take place at the same time and
 1983 | manner as elections to other state judicial offices in 1972 and
 1984 | the terms of such offices shall be for a term of six years.
 1985 | Unless changed pursuant to section nine of this article, the
 1986 | number of circuit judges presently existing and created by this
 1987 | subsection shall not be changed.

1988 | (3) In all counties having a population of fewer ~~less~~ than
 1989 | 100,000 according to the 1970 federal census and having more
 1990 | than one county judge on the date of the adoption of this
 1991 | article, there shall be the same number of judges of the county
 1992 | court as there are county judges existing on that date unless
 1993 | changed pursuant to section 9 of this article.

1994 | (4) Municipal courts shall continue with their same
 1995 | jurisdiction until amended or terminated in a manner prescribed

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1996 | by special or general law or ordinances, or until January 3,
 1997 | 1977, whichever occurs first. On that date all municipal courts
 1998 | not previously abolished shall cease to exist. Judges of
 1999 | municipal courts shall remain in office and be subject to
 2000 | reappointment or reelection in the manner prescribed by law
 2001 | until said courts are terminated pursuant to the provisions of
 2002 | this subsection. Upon municipal courts being terminated or
 2003 | abolished in accordance with the provisions of this subsection,
 2004 | the judges thereof who are not members of the bar of Florida,
 2005 | shall be eligible to seek election as judges of county courts of
 2006 | their respective counties.

2007 | (5) Judges, holding elective office in all other courts
 2008 | abolished by this article, whose terms do not expire in 1973
 2009 | including judges established pursuant to Article VIII, sections
 2010 | 9 and 11 of the constitution of 1885 shall serve as judges of
 2011 | the county court for the remainder of the term to which they
 2012 | were elected. Unless created pursuant to section 9, of this
 2013 | Article V such judicial office shall not continue to exist
 2014 | thereafter.

2015 | ~~(6) By March 21, 1972, the supreme court shall certify the~~
 2016 | ~~need for additional circuit and county judges. The legislature~~
 2017 | ~~in the 1972 regular session may by general law create additional~~
 2018 | ~~offices of judge, the terms of which shall begin on the~~
 2019 | ~~effective date of this article. Elections to such offices shall~~
 2020 | ~~take place at the same time and manner as election to other~~
 2021 | ~~state judicial offices in 1972.~~

2022 | (6)~~(7)~~ County judges of existing county judge's courts and
 2023 | justices of the peace and magistrates' court who are not members

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2024 of bar of Florida shall be eligible to seek election as county
2025 court judges of their respective counties.

2026 (7)~~(8)~~ No judge of a court abolished by this article shall
2027 become or be eligible to become a judge of the circuit court
2028 unless the judge has been a member of bar of Florida for the
2029 preceding five years.

2030 (8)~~(9)~~ The office of judges of all other courts abolished
2031 by this article shall be abolished as of the effective date of
2032 this article.

2033 ~~(10) The offices of county solicitor and prosecuting~~
2034 ~~attorney shall stand abolished, and all county solicitors and~~
2035 ~~prosecuting attorneys holding such offices upon the effective~~
2036 ~~date of this article shall become and serve as assistant state~~
2037 ~~attorneys for the circuits in which their counties are situate~~
2038 ~~for the remainder of their terms, with compensation not less~~
2039 ~~than that received immediately before the effective date of this~~
2040 ~~article.~~

2041 (e) LIMITED OPERATION OF SOME PROVISIONS.--

2042 ~~(1) All justices of the supreme court, judges of the~~
2043 ~~district courts of appeal and circuit judges in office upon the~~
2044 ~~effective date of this article shall retain their offices for~~
2045 ~~the remainder of their respective terms. All members of the~~
2046 ~~judicial qualifications commission in office upon the effective~~
2047 ~~date of this article shall retain their offices for the~~
2048 ~~remainder of their respective terms. Each state attorney in~~
2049 ~~office on the effective date of this article shall retain the~~
2050 ~~office for the remainder of the term.~~

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2051 ~~(2)~~ No justice or judge holding office immediately after
2052 this article becomes effective who held judicial office on July
2053 1, 1957, shall be subject to retirement from judicial office
2054 because of age pursuant to section 8 ~~of this article.~~

2055 (f) Until otherwise provided by law, the nonjudicial
2056 duties required of county judges shall be performed by the
2057 judges of the county court.

2058 ~~(g) All provisions of Article V of the Constitution of~~
2059 ~~1885, as amended, not embraced herein which are not inconsistent~~
2060 ~~with this revision shall become statutes subject to modification~~
2061 ~~or repeal as are other statutes.~~

2062 ~~(h) The requirements of section 14 relative to all county~~
2063 ~~court judges or any judge of a municipal court who continues to~~
2064 ~~hold office pursuant to subsection (d) (4) hereof being~~
2065 ~~compensated by state salaries shall not apply prior to January~~
2066 ~~3, 1977, unless otherwise provided by general law.~~

2067 (g) (i) DELETION OF OBSOLETE SCHEDULE ITEMS.--The
2068 legislature shall have power, by concurrent resolution, to
2069 delete from this article any subsection of this section 20
2070 including this subsection, when all events to which the
2071 subsection to be deleted is or could become applicable have
2072 occurred. A legislative determination of fact made as a basis
2073 for application of this subsection shall be subject to judicial
2074 review.

2075 ~~(j) EFFECTIVE DATE. Unless otherwise provided herein,~~
2076 ~~this article shall become effective at 11:59 o'clock P.M.,~~
2077 ~~Eastern Standard Time, January 1, 1973.~~

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CSARTICLE VI
SUFFRAGE AND ELECTIONS

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

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

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

SECTION 4. Disqualifications.--

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

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2106 (b) No person may appear on the ballot for re-election to
2107 any of the following offices:

- 2108 (1) Florida representative,
- 2109 (2) Florida senator,
- 2110 (3) Florida Lieutenant governor, or
- 2111 (4) Any office of the Florida cabinet,
- 2112 ~~(5) U.S. Representative from Florida, or~~
- 2113 ~~(6) U.S. Senator from Florida~~

2114
2115 if, by the end of the current term of office, the person will
2116 have served (or, but for resignation, would have served) in that
2117 office for eight consecutive years.

2118 SECTION 5. Primary, general, and special elections.--

2119 (a) A general election shall be held in each county on the
2120 first Tuesday after the first Monday in November of each even-
2121 numbered year to choose a successor to each elective state and
2122 county officer whose term will expire before the next general
2123 election and, except as provided herein, to fill each vacancy in
2124 elective office for the unexpired portion of the term. A general
2125 election may be suspended or delayed due to a state of emergency
2126 or impending emergency pursuant to general law. Special
2127 elections and referenda shall be held as provided by law.

2128 (b) If all candidates for an office have the same party
2129 affiliation and the winner will have no opposition in the
2130 general election, all qualified electors, regardless of party
2131 affiliation, may vote in the primary elections for that office.

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2132 SECTION 6. Municipal and district elections.--Registration
2133 and elections in municipalities shall, and in other governmental
2134 entities created by statute may, be provided by law.

2135 SECTION 7. Campaign spending limits and funding of
2136 campaigns for elective statewide ~~state-wide~~ office.--It is the
2137 policy of this state to provide for state-wide elections in
2138 which all qualified candidates may compete effectively. A method
2139 of public financing for campaigns for state-wide office shall be
2140 established by law. Spending limits shall be established for
2141 such campaigns for candidates who use public funds in their
2142 campaigns. The legislature shall provide funding for this
2143 provision. General law implementing this paragraph shall be at
2144 least as protective of effective competition by a candidate who
2145 uses public funds as the general law in effect on January 1,
2146 1998.

2147

2148

ARTICLE VII

2149

FINANCE AND TAXATION

2150

2151 SECTION 1. Taxation; appropriations; state expenses; state
2152 revenue limitation.--

2153 (a) No tax shall be levied except in pursuance of law. No
2154 state ad valorem taxes shall be levied upon real estate or
2155 tangible personal property. All other forms of taxation shall be
2156 preempted to the state except as provided by general law.

2157 (b) Motor vehicles, boats, airplanes, trailers, trailer
2158 coaches, and mobile homes, as defined by law, shall be subject
2159 to a license tax for their operation in the amounts and for the

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2160 | purposes prescribed by law, but shall not be subject to ad
2161 | valorem taxes.

2162 | (c) No money shall be drawn from the treasury except in
2163 | pursuance of appropriation made by law.

2164 | (d) Provision shall be made by law for raising sufficient
2165 | revenue to defray the expenses of the state for each fiscal
2166 | period.

2167 | (e) Except as provided herein, state revenues collected
2168 | for any fiscal year shall be limited to state revenues allowed
2169 | under this subsection for the prior fiscal year plus an
2170 | adjustment for growth. As used in this subsection, "growth"
2171 | means an amount equal to the average annual rate of growth in
2172 | Florida personal income over the most recent twenty quarters
2173 | times the state revenues allowed under this subsection for the
2174 | prior fiscal year. ~~For the 1995-1996 fiscal year, the state~~
2175 | ~~revenues allowed under this subsection for the prior fiscal year~~
2176 | ~~shall equal the state revenues collected for the 1994-1995~~
2177 | ~~fiscal year.~~ Florida personal income shall be determined by the
2178 | legislature, from information available from the United States
2179 | Department of Commerce or its successor on the first day of
2180 | February prior to the beginning of the fiscal year. State
2181 | revenues collected for any fiscal year in excess of this
2182 | limitation shall be transferred to the budget stabilization fund
2183 | until the fund reaches the maximum balance specified in Article
2184 | III, section 18(g) ~~19(g)~~ of Article III, and thereafter shall be
2185 | refunded to taxpayers as provided by general law. State revenues
2186 | allowed under this subsection for any fiscal year may be
2187 | increased by a two-thirds vote of the membership of each house

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2188 | of the legislature in a separate bill that contains no other
2189 | subject and that sets forth the dollar amount by which the state
2190 | revenues allowed will be increased. The vote may not be taken
2191 | less than seventy-two hours after the third reading of the bill.
2192 | For purposes of this subsection, "state revenues" means taxes,
2193 | fees, licenses, and charges for services imposed by the
2194 | legislature on individuals, businesses, or agencies outside
2195 | state government. However, "state revenues" does not include:
2196 | revenues that are necessary to meet the requirements set forth
2197 | in documents authorizing the issuance of bonds by the state;
2198 | revenues that are used to provide matching funds for the federal
2199 | Medicaid program with the exception of the revenues used to
2200 | support the Public Medical Assistance Trust Fund or its
2201 | successor program and with the exception of state matching funds
2202 | used to fund elective expansions made after July 1, 1994;
2203 | proceeds from the state lottery returned as prizes; receipts of
2204 | the Florida Hurricane Catastrophe Fund; balances carried forward
2205 | from prior fiscal years; taxes, licenses, fees, and charges for
2206 | services imposed by local, regional, or school district
2207 | governing bodies; or revenue from taxes, licenses, fees, and
2208 | charges for services required to be imposed by any amendment or
2209 | revision to this constitution after July 1, 1994. An adjustment
2210 | to the revenue limitation shall be made by general law to
2211 | reflect the fiscal impact of transfers of responsibility for the
2212 | funding of governmental functions between the state and other
2213 | levels of government. The legislature shall, by general law,
2214 | prescribe procedures necessary to administer this subsection.

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2215 SECTION 2. Taxes; rate.--All ad valorem taxation shall be
 2216 at a uniform rate within each taxing unit, except the taxes on
 2217 intangible personal property may be at different rates but shall
 2218 never exceed two mills on the dollar of assessed value;
 2219 provided, as to any obligations secured by mortgage, deed of
 2220 trust, or other lien on real estate wherever located, an
 2221 intangible tax of not more than two mills on the dollar may be
 2222 levied by law to be in lieu of all other intangible assessments
 2223 on such obligations.

2224 SECTION 3. Taxes; exemptions.--

2225 (a) All property owned by a municipality and used
 2226 exclusively by it for municipal or public purposes shall be
 2227 exempt from taxation. A municipality, owning property outside
 2228 the municipality, may be required by general law to make payment
 2229 to the taxing unit in which the property is located. Such
 2230 portions of property as are used predominantly for educational,
 2231 literary, scientific, religious, or charitable purposes may be
 2232 exempted by general law from taxation.

2233 (b) There shall be exempt from taxation, cumulatively, to
 2234 every head of a family residing in this state, household goods
 2235 and personal effects to the value fixed by general law, not less
 2236 than one thousand dollars, and to every widow or widower or
 2237 person who is blind or totally and permanently disabled,
 2238 property to the value fixed by general law not less than five
 2239 hundred dollars.

2240 (c) Any county or municipality may, for the purpose of its
 2241 respective tax levy and subject to the provisions of this
 2242 subsection and general law, grant community and economic

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2243 development ad valorem tax exemptions to new businesses and
2244 expansions of existing businesses, as defined by general law.
2245 Such an exemption may be granted only by ordinance of the county
2246 or municipality, and only after the electors of the county or
2247 municipality voting on such question in a referendum authorize
2248 the county or municipality to adopt such ordinances. An
2249 exemption so granted shall apply to improvements to real
2250 property made by or for the use of a new business and
2251 improvements to real property related to the expansion of an
2252 existing business and shall also apply to tangible personal
2253 property of such new business and tangible personal property
2254 related to the expansion of an existing business. The amount or
2255 limits of the amount of such exemption shall be specified by
2256 general law. The period of time for which such exemption may be
2257 granted to a new business or expansion of an existing business
2258 shall be determined by general law. The authority to grant such
2259 exemption shall expire ten years from the date of approval by
2260 the electors of the county or municipality, and may be renewable
2261 by referendum as provided by general law.

2262 (d) By general law and subject to conditions specified
2263 therein, there may be granted an ad valorem tax exemption to a
2264 renewable energy source device and to real property on which
2265 such device is installed and operated, to the value fixed by
2266 general law not to exceed the original cost of the device, and
2267 for the period of time fixed by general law not to exceed ten
2268 years.

2269 (e) Any county or municipality may, for the purpose of its
2270 respective tax levy and subject to the provisions of this

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2271 subsection and general law, grant historic preservation ad
 2272 valorem tax exemptions to owners of historic properties. This
 2273 exemption may be granted only by ordinance of the county or
 2274 municipality. The amount or limits of the amount of this
 2275 exemption and the requirements for eligible properties must be
 2276 specified by general law. The period of time for which this
 2277 exemption may be granted to a property owner shall be determined
 2278 by general law.

2279 SECTION 4. Taxation; assessments.--~~By~~ General law
 2280 ~~regulations~~ shall prescribe regulations that ~~be prescribed which~~
 2281 ~~shall~~ secure a just valuation of all property for ad valorem
 2282 taxation, provided:

2283 (a) Agricultural land, land producing high water recharge
 2284 to Florida's aquifers, or land used exclusively for
 2285 noncommercial recreational purposes may be classified by general
 2286 law and assessed solely on the basis of character or use.

2287 (b) Pursuant to general law, tangible personal property
 2288 held for sale as stock in trade and livestock may be valued for
 2289 taxation at a specified percentage of its value, may be
 2290 classified for tax purposes, or may be exempted from taxation.

2291 (c) All persons entitled to a homestead exemption under
 2292 section 6 ~~of this Article~~ shall have their homestead assessed at
 2293 just value as of January 1, 1994 ~~of the year following the~~
 2294 ~~effective date of this amendment~~. This assessment shall change
 2295 only as provided herein.

2296 (1) Assessments subject to this provision shall be changed
 2297 annually on January 1st of each year; but those changes in
 2298 assessments shall not exceed the lower of the following:

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2299 | a. Three percent ~~(3%)~~ of the assessment for the prior
2300 | year.

2301 | b. The percent change in the Consumer Price Index for all
2302 | urban consumers, U.S. City Average, all items 1967=100, or
2303 | successor reports for the preceding calendar year as initially
2304 | reported by the United States Department of Labor, Bureau of
2305 | Labor Statistics.

2306 | (2) No assessment shall exceed just value.

2307 | (3) After any change of ownership, as provided by general
2308 | law, homestead property shall be assessed at just value as of
2309 | January 1 of the following year. Thereafter, the homestead shall
2310 | be assessed as provided herein.

2311 | (4) New homestead property shall be assessed at just value
2312 | as of January 1st of the year following the establishment of the
2313 | homestead. That assessment shall only change as provided herein.

2314 | (5) Changes, additions, reductions, or improvements to
2315 | homestead property shall be assessed as provided for by general
2316 | law; provided, however, after the adjustment for any change,
2317 | addition, reduction, or improvement, the property shall be
2318 | assessed as provided herein.

2319 | (6) In the event of a termination of homestead status, the
2320 | property shall be assessed as provided by general law.

2321 | (7) The provisions of this amendment are severable. If any
2322 | of the provisions of this amendment shall be held
2323 | unconstitutional by any court of competent jurisdiction, the
2324 | decision of such court shall not affect or impair any remaining
2325 | provisions of this amendment.

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2326 (d) The legislature may, by general law, for assessment
 2327 purposes and subject to the provisions of this subsection, allow
 2328 counties and municipalities to authorize by ordinance that
 2329 historic property may be assessed solely on the basis of
 2330 character or use. Such character or use assessment shall apply
 2331 only to the jurisdiction adopting the ordinance. The
 2332 requirements for eligible properties must be specified by
 2333 general law.

2334 (e) A county may, in the manner prescribed by general law,
 2335 provide for a reduction in the assessed value of homestead
 2336 property to the extent of any increase in the assessed value of
 2337 that property which results from the construction or
 2338 reconstruction of the property for the purpose of providing
 2339 living quarters for one or more natural or adoptive grandparents
 2340 or parents of the owner of the property or of the owner's spouse
 2341 if at least one of the grandparents or parents for whom the
 2342 living quarters are provided is 62 years of age or older. Such a
 2343 reduction may not exceed the lesser of the following:

2344 (1) The increase in assessed value resulting from
 2345 construction or reconstruction of the property.

2346 (2) Twenty percent of the total assessed value of the
 2347 property as improved.

2348 SECTION 5. Estate, inheritance, and income taxes.--

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

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2353 | be allowed to be credited upon or deducted from any similar tax
2354 | levied by the United States or any state.

2355 | (b) OTHERS.--No tax upon the income of residents and
2356 | citizens other than natural persons shall be levied by the
2357 | state, or under its authority, in excess of five percent 5% of
2358 | net income, as defined by law, or at such greater rate as is
2359 | authorized by a three-fifths(3/5)vote of the membership of each
2360 | house of the legislature or as will provide for the state the
2361 | maximum amount which may be allowed to be credited against
2362 | income taxes levied by the United States and other states. There
2363 | shall be exempt from taxation not less than five thousand
2364 | dollars ~~(\$5,000)~~ of the excess of net income subject to tax over
2365 | the maximum amount allowed to be credited against income taxes
2366 | levied by the United States and other states.

2367 | ~~(c) EFFECTIVE DATE. This section shall become effective~~
2368 | ~~immediately upon approval by the electors of Florida.~~

2369 | SECTION 6. Homestead exemptions.--

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

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2380 corporation owning a fee or a leasehold initially in excess of
2381 ninety-eight years.

2382 (b) Not more than one exemption shall be allowed any
2383 individual or family unit or with respect to any residential
2384 unit. No exemption shall exceed the value of the real estate
2385 assessable to the owner or, in case of ownership through stock
2386 or membership in a corporation, the value of the proportion
2387 which the interest in the corporation bears to the assessed
2388 value of the property.

2389 (c) By general law and subject to conditions specified
2390 therein, the exemption shall be increased to a total of twenty-
2391 five thousand dollars of the assessed value of the real estate
2392 for each school district levy. By general law and subject to
2393 conditions specified therein, the exemption for all other levies
2394 may be increased up to an amount not exceeding ten thousand
2395 dollars of the assessed value of the real estate if the owner
2396 has attained age sixty-five or is totally and permanently
2397 disabled and if the owner is not entitled to the exemption
2398 provided in subsection (d).

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

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2408 compliance with the provisions of section 4 by a state agency
 2409 designated by general law. This subsection shall stand repealed
 2410 on the effective date of any amendment to section 4 which
 2411 provides for the assessment of homestead property at a specified
 2412 percentage of its just value.

2413 (e) By general law and subject to conditions specified
 2414 therein, the legislature may provide to renters, who are
 2415 permanent residents, ad valorem tax relief on all ad valorem tax
 2416 levies. Such ad valorem tax relief shall be in the form and
 2417 amount established by general law.

2418 (f) The legislature may, by general law, allow counties or
 2419 municipalities, for the purpose of their respective tax levies
 2420 and subject to the provisions of general law, to grant an
 2421 additional homestead tax exemption not exceeding twenty-five
 2422 thousand dollars to any person who has the legal or equitable
 2423 title to real estate and maintains thereon the permanent
 2424 residence of the owner and who has attained age sixty-five and
 2425 whose household income, as defined by general law, does not
 2426 exceed twenty thousand dollars. The general law must allow
 2427 counties and municipalities to grant this additional exemption,
 2428 within the limits prescribed in this subsection, by ordinance
 2429 adopted in the manner prescribed by general law, and must
 2430 provide for the periodic adjustment of the income limitation
 2431 prescribed in this subsection for changes in the cost of living.

2432 SECTION 7. Allocation of pari-mutuel taxes.--Taxes upon
 2433 the operation of pari-mutuel pools may be preempted to the state
 2434 or allocated in whole or in part to the counties. When allocated

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2435 | to the counties, the distribution shall be in equal amounts to
2436 | the several counties.

2437 | SECTION 8. Aid to local governments.--State funds may be
2438 | appropriated to the several counties, school districts,
2439 | municipalities, or special districts upon such conditions as may
2440 | be provided by general law. These conditions may include the use
2441 | of relative ad valorem assessment levels determined by a state
2442 | agency designated by general law.

2443 | SECTION 9. Local taxes.--

2444 | (a) Counties, school districts, and municipalities shall,
2445 | and special districts may, be authorized by law to levy ad
2446 | valorem taxes and may be authorized by general law to levy other
2447 | taxes, for their respective purposes, except ad valorem taxes on
2448 | intangible personal property and taxes prohibited by this
2449 | constitution.

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

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2463 owners of freeholds therein not wholly exempt from taxation. A
 2464 county furnishing municipal services may, to the extent
 2465 authorized by law, levy additional taxes within the limits fixed
 2466 for municipal purposes.

2467 SECTION 10. Pledging credit.--Neither the state nor any
 2468 county, school district, municipality, special district, or
 2469 agency of any of them, shall become a joint owner with, or
 2470 stockholder of, or give, lend, or use its taxing power or credit
 2471 to aid any corporation, association, partnership, or person; but
 2472 this shall not prohibit laws authorizing:

2473 (a) The investment of public trust funds;

2474 (b) The investment of other public funds in obligations
 2475 of, or insured by, the United States or any of its
 2476 instrumentalities;

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

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2491 subject to taxation to the same extent as other privately owned
2492 property.

2493 (d) A municipality, county, special district, or agency of
2494 any of them, being a joint owner of, giving, or lending or using
2495 its taxing power or credit for the joint ownership,
2496 construction, and operation of electrical energy generating or
2497 transmission facilities with any corporation, association,
2498 partnership, or person.

2499 SECTION 11. State bonds; revenue bonds.--

2500 (a) State bonds pledging the full faith and credit of the
2501 state may be issued only to finance or refinance the cost of
2502 state fixed capital outlay projects authorized by law, and
2503 purposes incidental thereto, upon approval by a vote of the
2504 electors; provided state bonds issued pursuant to this
2505 subsection may be refunded without a vote of the electors at a
2506 lower net average interest cost rate. The total outstanding
2507 principal of state bonds issued pursuant to this subsection
2508 shall never exceed fifty percent of the total tax revenues of
2509 the state for the two preceding fiscal years, excluding any tax
2510 revenues held in trust under the provisions of this
2511 constitution.

2512 (b) Moneys sufficient to pay debt service on state bonds
2513 as the same becomes due shall be appropriated by law.

2514 (c) Any state bonds pledging the full faith and credit of
2515 the state issued under this section or any other section of this
2516 constitution may be combined for the purposes of sale.

2517 (d) Revenue bonds may be issued by the state or its
2518 agencies without a vote of the electors to finance or refinance

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2519 | the cost of state fixed capital outlay projects authorized by
 2520 | law, and purposes incidental thereto, and shall be payable
 2521 | solely from funds derived directly from sources other than state
 2522 | tax revenues.

2523 | (e) Bonds pledging all or part of a dedicated state tax
 2524 | revenue may be issued by the state in the manner provided by
 2525 | general law to finance or refinance the acquisition and
 2526 | improvement of land, water areas, and related property interests
 2527 | and resources for the purposes of conservation, outdoor
 2528 | recreation, water resource development, restoration of natural
 2529 | systems, and historic preservation.

2530 | (f) Each project, building, or facility to be financed or
 2531 | refinanced with revenue bonds issued under this section shall
 2532 | first be approved by the legislature by an act relating to
 2533 | appropriations or by general law.

2534 | SECTION 12. Local bonds.--Counties, school districts,
 2535 | municipalities, special districts, and local governmental bodies
 2536 | with taxing powers may issue bonds, certificates of
 2537 | indebtedness, or any form of tax anticipation certificates,
 2538 | payable from ad valorem taxation and maturing more than twelve
 2539 | months after issuance only:

2540 | (a) To finance or refinance capital projects authorized by
 2541 | law and only when approved by vote of the electors who are
 2542 | owners of freeholds therein not wholly exempt from taxation; or

2543 | (b) To refund outstanding bonds and interest and
 2544 | redemption premium thereon at a lower net average interest cost
 2545 | rate.

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2546 SECTION 13. Relief from illegal taxes.--Until payment of
2547 all taxes which have been legally assessed upon the property of
2548 the same owner, no court shall grant relief from the payment of
2549 any tax that may be illegal or illegally assessed.

2550 SECTION 14. Bonds for pollution control and abatement and
2551 other water facilities.--

2552 (a) When authorized by law, state bonds pledging the full
2553 faith and credit of the state may be issued without an election
2554 to finance the construction of air and water pollution control
2555 and abatement and solid waste disposal facilities and other
2556 water facilities authorized by general law (herein referred to
2557 as "facilities") to be operated by any municipality, county,
2558 district or authority, or any agency thereof (herein referred to
2559 as "local governmental agencies"), or by any agency of the State
2560 of Florida. Such bonds shall be secured by a pledge of and shall
2561 be payable primarily from all or any part of revenues to be
2562 derived from operation of such facilities, special assessments,
2563 rentals to be received under lease-purchase agreements herein
2564 provided for, any other revenues that may be legally available
2565 for such purpose, including revenues from other facilities, or
2566 any combination thereof (herein collectively referred to as
2567 "pledged revenues"), and shall be additionally secured by the
2568 full faith and credit of the State of Florida.

2569 (b) No such bonds shall be issued unless a state fiscal
2570 agency, created by law, has made a determination that in no
2571 state fiscal year will the debt service requirements of the
2572 bonds proposed to be issued and all other bonds secured by the

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2573 pledged revenues exceed seventy-five percent ~~per cent~~ of the
2574 pledged revenues.

2575 (c) The state may lease any of such facilities to any
2576 local governmental agency, under lease-purchase agreements for
2577 such periods and under such other terms and conditions as may be
2578 mutually agreed upon. The local governmental agencies may pledge
2579 the revenues derived from such leased facilities or any other
2580 available funds for the payment of rentals thereunder; and, in
2581 addition, the full faith and credit and taxing power of such
2582 local governmental agencies may be pledged for the payment of
2583 such rentals without any election of freeholder electors or
2584 qualified electors.

2585 (d) The state may also issue such bonds for the purpose of
2586 loaning money to local governmental agencies, for the
2587 construction of such facilities to be owned or operated by any
2588 of such local governmental agencies. Such loans shall bear
2589 interest at not more than one-half of one percent ~~per cent~~ per
2590 annum greater than the last preceding issue of state bonds
2591 pursuant to this section, shall be secured by the pledged
2592 revenues, and may be additionally secured by the full faith and
2593 credit of the local governmental agencies.

2594 (e) The total outstanding principal of state bonds issued
2595 pursuant to this section ~~14~~ shall never exceed fifty percent ~~per~~
2596 ~~cent~~ of the total tax revenues of the state for the two
2597 preceding fiscal years.

2598 SECTION 15. Revenue bonds for scholarship loans.--

2599 (a) When authorized by law, revenue bonds may be issued to
2600 establish a fund to make loans to students determined eligible

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2601 as prescribed by law and who have been admitted to attend any
 2602 public or private institutions of higher learning, junior
 2603 colleges, health related training institutions, or vocational
 2604 training centers, which are recognized or accredited under terms
 2605 and conditions prescribed by law. Revenue bonds issued pursuant
 2606 to this section shall be secured by a pledge of and shall be
 2607 payable primarily from payments of interest, principal, and
 2608 handling charges to such fund from the recipients of the loans
 2609 and, if authorized by law, may be additionally secured by
 2610 student fees and by any other moneys in such fund. There shall
 2611 be established from the proceeds of each issue of revenue bonds
 2612 a reserve account in an amount equal to and sufficient to pay
 2613 the greatest amount of principal, interest, and handling charges
 2614 to become due on such issue in any ensuing state fiscal year.

2615 (b) Interest moneys in the fund established pursuant to
 2616 this section, not required in any fiscal year for payment of
 2617 debt service on then outstanding revenue bonds or for
 2618 maintenance of the reserve account, may be used for educational
 2619 loans to students determined to be eligible therefor in the
 2620 manner provided by law, or for such other related purposes as
 2621 may be provided by law.

2622 SECTION 16. Bonds for housing and related facilities.--

2623 (a) When authorized by law, revenue bonds may be issued
 2624 without an election to finance or refinance housing and related
 2625 facilities in Florida, herein referred to as "facilities."

2626 (b) The bonds shall be secured by a pledge of and shall be
 2627 payable primarily from all or any part of revenues to be derived
 2628 from the financing, operation, or sale of such facilities,

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2629 mortgage or loan payments, and any other revenues or assets that
 2630 may be legally available for such purposes derived from sources
 2631 other than ad valorem taxation, including revenues from other
 2632 facilities, or any combination thereof, herein collectively
 2633 referred to as "pledged revenues," provided that in no event
 2634 shall the full faith and credit of the state be pledged to
 2635 secure such revenue bonds.

2636 (c) No bonds shall be issued unless a state fiscal agency,
 2637 created by law, has made a determination that in no state fiscal
 2638 year will the debt service requirements of the bonds proposed to
 2639 be issued and all other bonds secured by the same pledged
 2640 revenues exceed the pledged revenues available for payment of
 2641 such debt service requirements, as defined by law.

2642 SECTION 17. Bonds for acquiring transportation right-of-
 2643 way or for constructing bridges.--

2644 (a) When authorized by law, state bonds pledging the full
 2645 faith and credit of the state may be issued, without a vote of
 2646 the electors, to finance or refinance the cost of acquiring real
 2647 property or the rights to real property for state roads as
 2648 defined by law~~7~~, or to finance or refinance the cost of state
 2649 bridge construction~~7~~, and purposes incidental to such property
 2650 acquisition or state bridge construction.

2651 (b) Bonds issued under this section shall be secured by a
 2652 pledge of and shall be payable primarily from motor fuel or
 2653 special fuel taxes, except those defined in Article XII, section
 2654 7(c) ~~9(c) of Article XII~~, as provided by law, and shall
 2655 additionally be secured by the full faith and credit of the
 2656 state.

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2657 (c) No bonds shall be issued under this section unless a
2658 state fiscal agency, created by law, has made a determination
2659 that in no state fiscal year will the debt service requirements
2660 of the bonds proposed to be issued and all other bonds secured
2661 by the same pledged revenues exceed ninety percent of the
2662 pledged revenues available for payment of such debt service
2663 requirements, as defined by law. For the purposes of this
2664 subsection, the term "pledged revenues" means all revenues
2665 pledged to the payment of debt service, excluding any pledge of
2666 the full faith and credit of the state.

2667 SECTION 18. Laws requiring counties or municipalities to
2668 spend funds or limiting their ability to raise revenue or
2669 receive state tax revenue.--

2670 (a) No county or municipality shall be bound by any
2671 general law requiring such county or municipality to spend funds
2672 or to take an action requiring the expenditure of funds unless
2673 the legislature has determined that such law fulfills an
2674 important state interest and unless: funds have been
2675 appropriated that have been estimated at the time of enactment
2676 to be sufficient to fund such expenditure; the legislature
2677 authorizes or has authorized a county or municipality to enact a
2678 funding source not available for such county or municipality on
2679 February 1, 1989, that can be used to generate the amount of
2680 funds estimated to be sufficient to fund such expenditure by a
2681 simple majority vote of the governing body of such county or
2682 municipality; the law requiring such expenditure is approved by
2683 two-thirds of the membership in each house of the legislature;
2684 the expenditure is required to comply with a law that applies to

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

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2685 | all persons similarly situated, including the state and local
 2686 | governments; or the law is either required to comply with a
 2687 | federal requirement or required for eligibility for a federal
 2688 | entitlement, which federal requirement specifically contemplates
 2689 | actions by counties or municipalities for compliance.

2690 | (b) Except upon approval of each house of the legislature
 2691 | by two-thirds of the membership, the legislature may not enact,
 2692 | amend, or repeal any general law if the anticipated effect of
 2693 | doing so would be to reduce the authority that municipalities or
 2694 | counties have to raise revenues in the aggregate, as such
 2695 | authority exists on February 1, 1989.

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

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2712 | modification as provided herein for a state-shared tax source
2713 | existing on February 1, 1989.

2714 | (d) Laws adopted to require funding of pension benefits
2715 | existing on November 6, 1990; ~~the effective date of this~~
2716 | ~~section~~, criminal laws; election laws; the general
2717 | appropriations act; special appropriations acts; laws
2718 | reauthorizing but not expanding then-existing statutory
2719 | authority; laws having insignificant fiscal impact; and laws
2720 | creating, modifying, or repealing noncriminal infractions, are
2721 | exempt from the requirements of this section.

2722 | (e) The legislature may enact laws to assist in the
2723 | implementation and enforcement of this section.

2724 |

2725 | ARTICLE VIII

2726 | LOCAL GOVERNMENT

2727 |

2728 | SECTION 1. Counties.--

2729 | (a) POLITICAL SUBDIVISIONS.--The state shall be divided by
2730 | law into political subdivisions called counties. Counties may be
2731 | created, abolished, or changed by law, with provision for
2732 | payment or apportionment of the public debt.

2733 | (b) COUNTY FUNDS.--The care, custody, and method of
2734 | disbursing county funds shall be provided by general law.

2735 | (c) GOVERNMENT.--Pursuant to general or special law, a
2736 | county government may be established by charter that ~~which~~ shall
2737 | be adopted, amended, or repealed only upon vote of the electors
2738 | of the county in a special election called for that purpose.

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2739 (d) COUNTY OFFICERS.--There shall be elected by the
 2740 electors of each county, for terms of four years, a sheriff, a
 2741 tax collector, a property appraiser, a supervisor of elections,
 2742 and a clerk of the circuit court; except, when provided by
 2743 county charter or special law approved by vote of the electors
 2744 of the county, any county officer may be chosen in another
 2745 manner therein specified, or any county office may be abolished
 2746 when all the duties of the office prescribed by general law are
 2747 transferred to another office. When not otherwise provided by
 2748 county charter or special law approved by vote of the electors,
 2749 the clerk of the circuit court shall be ex officio clerk of the
 2750 board of county commissioners, auditor, recorder, and custodian
 2751 of all county funds.

2752 (e) COMMISSIONERS.--Except when otherwise provided by
 2753 county charter, the governing body of each county shall be a
 2754 board of county commissioners composed of five or seven members
 2755 serving staggered terms of four years. After each decennial
 2756 census, the board of county commissioners shall divide the
 2757 county into districts of contiguous territory as nearly equal in
 2758 population as practicable. One commissioner residing in each
 2759 district shall be elected as provided by law.

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

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2766 | in conflict with a municipal ordinance shall not be effective
2767 | within the municipality to the extent of such conflict.

2768 | (g) CHARTER GOVERNMENT.--Counties operating under county
2769 | charters shall have all powers of local self-government not
2770 | inconsistent with general law, or with special law approved by
2771 | vote of the electors. The governing body of a county operating
2772 | under a charter may enact county ordinances not inconsistent
2773 | with general law. The charter shall provide which shall prevail
2774 | in the event of conflict between county and municipal
2775 | ordinances.

2776 | (h) TAXES; LIMITATION.--Property situate within
2777 | municipalities shall not be subject to taxation for services
2778 | rendered by the county exclusively for the benefit of the
2779 | property or residents in unincorporated areas.

2780 | (i) COUNTY ORDINANCES.--Each county ordinance shall be
2781 | filed with the custodian of state records and shall become
2782 | effective at such time thereafter as is provided by general law.

2783 | (j) VIOLATION OF ORDINANCES.--Persons violating county
2784 | ordinances shall be prosecuted and punished as provided by law.

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

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2793 | designated by the governing body of the county for the recording
2794 | of instruments, according to law.

2795 | SECTION 2. Municipalities.--

2796 | (a) ESTABLISHMENT.--Municipalities may be established or
2797 | abolished and their charters amended pursuant to general or
2798 | special law. When any municipality is abolished, provision shall
2799 | be made for the protection of its creditors.

2800 | (b) POWERS.--Municipalities shall have governmental,
2801 | corporate, and proprietary powers to enable them to conduct
2802 | municipal government, perform municipal functions and render
2803 | municipal services, and may exercise any power for municipal
2804 | purposes except as otherwise provided by law. Each municipal
2805 | legislative body shall be elective.

2806 | (c) ANNEXATION.--Municipal annexation of unincorporated
2807 | territory, merger of municipalities, and exercise of extra-
2808 | territorial powers by municipalities shall be as provided by
2809 | general or special law.

2810 | SECTION 3. Consolidation.--The government of a county and
2811 | the government of one or more municipalities located therein may
2812 | be consolidated into a single government, which may exercise any
2813 | and all powers of the county and the several municipalities. The
2814 | consolidation plan may be proposed only by special law, which
2815 | shall become effective if approved by vote of the electors of
2816 | the county, or of the county and municipalities affected, as may
2817 | be provided in the plan. Consolidation shall not extend the
2818 | territorial scope of taxation for the payment of pre-existing
2819 | debt except to areas whose residents receive a benefit from the
2820 | facility or service for which the indebtedness was incurred.

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2821 SECTION 4. Transfer of powers.--By law or by resolution of
 2822 the governing bodies of each of the governments affected, any
 2823 function or power of a county, municipality, or special district
 2824 may be transferred to or contracted to be performed by another
 2825 county, municipality, or special district, after approval by
 2826 vote of the electors of the transferor and approval by vote of
 2827 the electors of the transferee, or as otherwise provided by law.

2828 SECTION 5. Local option.--

2829 (a) Local option on the legality or prohibition of the
 2830 sale of intoxicating liquors, wines, or beers shall be preserved
 2831 to each county. The status of a county with respect thereto
 2832 shall be changed only by vote of the electors in a special
 2833 election called upon the petition of twenty-five percent ~~per~~
 2834 ~~cent~~ of the electors of the county, and not sooner than two
 2835 years after an earlier election on the same question. Where
 2836 legal, the sale of intoxicating liquors, wines, and beers shall
 2837 be regulated by law.

2838 (b) Each county shall have the authority to require a
 2839 criminal history records check and a 3-to-5-day ~~3 to 5 day~~
 2840 waiting period, excluding weekends and legal holidays, in
 2841 connection with the sale of any firearm occurring within such
 2842 county. For purposes of this subsection, the term "sale" means
 2843 the transfer of money or other valuable consideration for any
 2844 firearm when any part of the transaction is conducted on
 2845 property to which the public has the right of access. Holders of
 2846 a concealed weapons permit as prescribed by general law shall
 2847 not be subject to the provisions of this subsection when
 2848 purchasing a firearm.

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2849 SECTION 6. Schedule to Article VIII.--

2850 (a) APPLICABILITY TO FORMER ARTICLE.--This article shall
2851 replace all of Article VIII of the constitution of 1885, as
2852 amended, except those sections expressly retained and made a
2853 part of this article by reference.

2854 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES;
2855 DISTRICTS.--The status of the following items as they exist on
2856 the date this article becomes effective is recognized and shall
2857 be continued until changed in accordance with law: the counties
2858 of the state; their status with respect to the legality of the
2859 sale of intoxicating liquors, wines, and beers; the method of
2860 selection of county officers; the performance of municipal
2861 functions by county officers; the county seats; and the
2862 municipalities and special districts of the state, their powers,
2863 jurisdiction, and government.

2864 ~~(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding~~
2865 ~~office when this article becomes effective shall continue in~~
2866 ~~office for the remainder of the term if that office is not~~
2867 ~~abolished. If the office is abolished the incumbent shall be~~
2868 ~~paid adequate compensation, to be fixed by law, for the loss of~~
2869 ~~emoluments for the remainder of the term.~~

2870 (c)(d) ORDINANCES.--Local laws relating only to
2871 unincorporated areas of a county on the effective date of this
2872 article may be amended or repealed by county ordinance.

2873 (d)(e) CONSOLIDATION AND HOME RULE.--Article VIII,
2874 sections 9, 10, 11, and 24, of the constitution of 1885, as
2875 amended, shall remain in full force and effect as to each county
2876 affected, as if this article had not been adopted, until that

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2877 county shall expressly adopt a charter or home rule plan
 2878 pursuant to this article. All provisions of the Metropolitan
 2879 Dade County Home Rule Charter, heretofore or hereafter adopted
 2880 by the electors of Dade County pursuant to Article VIII, section
 2881 11, of the constitution of 1885, as amended, shall be valid, and
 2882 any amendments to such charter shall be valid; provided that the
 2883 said provisions of such charter and the said amendments thereto
 2884 are authorized under said Article VIII, section 11, of the
 2885 constitution of 1885, as amended.

2886 (e)~~(f)~~ DADE COUNTY; POWERS CONFERRED UPON
 2887 MUNICIPALITIES.--To the extent not inconsistent with the powers
 2888 of existing municipalities or general law, the Metropolitan
 2889 Government of Dade County may exercise all the powers conferred
 2890 now or hereafter by general law upon municipalities.

2891 (f)~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.--The
 2892 legislature shall have power, by joint resolution, to delete
 2893 from this article any subsection of this section ~~6~~, including
 2894 this subsection, when all events to which the subsection to be
 2895 deleted is or could become applicable have occurred. A
 2896 legislative determination of fact made as a basis for
 2897 application of this subsection shall be subject to judicial
 2898 review.

2900 ARTICLE IX
 2901 EDUCATION

2902
 2903 SECTION 1. Public education.--

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2904 (a) The education of children is a fundamental value of
 2905 the people of this ~~the state of Florida~~. It is, therefore, a
 2906 paramount duty of the state to make adequate provision for the
 2907 education of all children residing within its borders. Adequate
 2908 provision shall be made by law for a uniform, efficient, safe,
 2909 secure, and high quality system of free public schools that
 2910 allows students to obtain a high quality education and for the
 2911 establishment, maintenance, and operation of institutions of
 2912 higher learning and other public education programs that the
 2913 needs of the people may require. To assure that children
 2914 attending public schools obtain a high quality education, the
 2915 legislature shall make adequate provision to ensure that, by the
 2916 beginning of the 2010 school year, there are a sufficient number
 2917 of classrooms so that:

2918 (1) The maximum number of students who are assigned to
 2919 each teacher who is teaching in public school classrooms for
 2920 prekindergarten through grade 3 does not exceed 18 students;

2921 (2) The maximum number of students who are assigned to
 2922 each teacher who is teaching in public school classrooms for
 2923 grades 4 through 8 does not exceed 22 students; and

2924 (3) The maximum number of students who are assigned to
 2925 each teacher who is teaching in public school classrooms for
 2926 grades 9 through 12 does not exceed 25 students.

2927
 2928 The class size requirements of this subsection do not apply to
 2929 extracurricular classes. Payment of the costs associated with
 2930 reducing class size to meet these requirements is the
 2931 responsibility of the state and not of local school ~~schools~~

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2932 | districts. ~~Beginning with the 2003-2004 fiscal year,~~ The
 2933 | legislature shall provide sufficient funds to reduce the average
 2934 | number of students in each classroom by at least two students
 2935 | per year until the maximum number of students per classroom does
 2936 | not exceed the requirements of this subsection.

2937 | (b) Every four-year-old ~~four-year-old~~ child in Florida
 2938 | shall be provided by the State a high-quality ~~high-quality~~ pre-
 2939 | kindergarten learning opportunity in the form of an early
 2940 | childhood development and education program that ~~which~~ shall be
 2941 | voluntary, high quality, free, and delivered according to
 2942 | professionally accepted standards. An early childhood
 2943 | development and education program means an organized program
 2944 | designed to address and enhance each child's ability to make
 2945 | age-appropriate ~~age-appropriate~~ progress in an appropriate range
 2946 | of settings in the development of language and cognitive
 2947 | capabilities and emotional, social, regulatory, and moral
 2948 | capacities through education in basic skills and such other
 2949 | skills as the legislature may determine to be appropriate.

2950 | (c) The early childhood education and development programs
 2951 | provided by reason of subsection ~~subparagraph~~ (b) shall be
 2952 | implemented ~~no later than the beginning of the 2005 school year~~
 2953 | through funds generated in addition to those used for existing
 2954 | education, health, and development programs. Existing education,
 2955 | health, and development programs are those funded by the state
 2956 | as of January 1, 2002, that provided for child or adult
 2957 | education, health care, or development.

2958 | SECTION 2. State board of education.--The state board of
 2959 | education shall be a body corporate and have such supervision of

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2960 | the system of free public education as is provided by law. The
 2961 | state board of education shall consist of seven members
 2962 | appointed by the governor to staggered 4-year terms, subject to
 2963 | confirmation by the senate. The state board of education shall
 2964 | appoint the commissioner of education.

2965 | SECTION 3. Terms of appointive board members.--Members of
 2966 | any appointive board dealing with education may serve terms in
 2967 | excess of four years as provided by law.

2968 | SECTION 4. School districts; school boards.--

2969 | (a) Each county shall constitute a school district, and
 2970 | provided that, two or more contiguous counties, upon vote of the
 2971 | electors of each county pursuant to law, may be combined into
 2972 | one school district. In each school district, there shall be a
 2973 | school board composed of five or more members chosen by vote of
 2974 | the electors in a nonpartisan election for appropriately
 2975 | staggered terms of four years, as provided by law.

2976 | (b) The school board shall operate, control, and supervise
 2977 | all free public schools within the school district and determine
 2978 | the rate of school district taxes within the limits prescribed
 2979 | herein. Two or more school districts may operate and finance
 2980 | joint educational programs.

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

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2988 | by the district school board as provided by general law. The
2989 | resolution or special law may be rescinded or repealed by either
2990 | procedure after four years.

2991 | SECTION 6. State school fund.--The income derived from the
2992 | state school fund shall, and the principal of the fund may, be
2993 | appropriated, but only to the support and maintenance of free
2994 | public schools.

2995 | SECTION 7. State University System.--

2996 | (a) PURPOSES. In order to achieve excellence through
2997 | teaching students, advancing research and providing public
2998 | service for the benefit of Florida's citizens, their communities
2999 | and economies, the people hereby establish a system of
3000 | governance for the state university system of Florida.

3001 | (b) STATE UNIVERSITY SYSTEM. There shall be a single
3002 | state university system comprised of all public universities. A
3003 | board of trustees shall administer each public university and a
3004 | board of governors shall govern the state university system.

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

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3043 | the Constitution of the United States unless a majority of the
3044 | members thereof have been elected after the proposed amendment
3045 | has been submitted for ratification.

3046 | SECTION 2. Militia.--

3047 | (a) The militia shall be composed of all able-bodied
3048 | ~~able-bodied~~ inhabitants of the state who are or have declared
3049 | their intention to become citizens of the United States, and and no
3050 | person because of religious creed or opinion shall be exempted
3051 | from military duty except upon conditions provided by law.

3052 | (b) The organizing, equipping, housing, maintaining, and
3053 | disciplining of the militia, and the safekeeping of public arms
3054 | may be provided for by law.

3055 | (c) The governor shall appoint all commissioned officers
3056 | of the militia, including an adjutant general who shall be chief
3057 | of staff. The appointment of all general officers shall be
3058 | subject to confirmation by the senate.

3059 | (d) The qualifications of personnel and officers of the
3060 | federally recognized national guard, including the adjutant
3061 | general, and the grounds and proceedings for their discipline
3062 | and removal shall conform to the appropriate United States Army
3063 | or Air Force regulations and usages.

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

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3070 appointed to office to qualify within thirty days from the
3071 commencement of the term.

3072 SECTION 4. Homestead; exemptions.--

3073 (a) There shall be exempt from forced sale under process
3074 of any court, and no judgment, decree, or execution shall be a
3075 lien thereon, except for the payment of taxes and assessments
3076 thereon, obligations contracted for the purchase, improvement,
3077 or repair thereof, or obligations contracted for house, field,
3078 or other labor performed on the realty, the following property
3079 owned by a natural person:

3080 (1) A homestead, if located outside a municipality, to the
3081 extent of one hundred sixty acres of contiguous land and
3082 improvements thereon, which shall not be reduced without the
3083 owner's consent by reason of subsequent inclusion in a
3084 municipality; or if located within a municipality, to the extent
3085 of one-half acre of contiguous land, upon which the exemption
3086 shall be limited to the residence of the owner or the owner's
3087 family;

3088 (2) Personal property to the value of one thousand
3089 dollars.

3090 (b) These exemptions shall inure to the surviving spouse
3091 or heirs of the owner.

3092 (c) The homestead shall not be subject to devise if the
3093 owner is survived by spouse or minor child, except the homestead
3094 may be devised to the owner's spouse if there be no minor child.
3095 The owner of homestead real estate, joined by the spouse if
3096 married, may alienate the homestead by mortgage, sale, or gift
3097 and, if married, may by deed transfer the title to an estate by

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3098 | the entirety with the spouse. If the owner or spouse is
3099 | incompetent, the method of alienation or encumbrance shall be as
3100 | provided by law.

3101 | SECTION 5. Coverture and property.--There shall be no
3102 | distinction between married women and married men in the
3103 | holding, control, disposition, or encumbering of their property,
3104 | both real and personal; except that dower or curtesy may be
3105 | established and regulated by law.

3106 | SECTION 6. Eminent domain.--

3107 | (a) No private property shall be taken except for a public
3108 | purpose and with full compensation therefor paid to each owner
3109 | or secured by deposit in the registry of the court and available
3110 | to the owner.

3111 | (b) Provision may be made by law for the taking of
3112 | easements, by like proceedings, for the drainage of the land of
3113 | one person over or through the land of another.

3114 | SECTION 7. Lotteries.--Lotteries, other than the types of
3115 | pari-mutuel pools authorized by law as of January 7, 1969 ~~the~~
3116 | ~~effective date of this constitution~~, are hereby prohibited in
3117 | this state.

3118 | SECTION 8. Census.--

3119 | (a) Each decennial census of the state taken by the United
3120 | States shall be an official census of the state.

3121 | (b) Each decennial census, for the purpose of
3122 | classifications based upon population, shall become effective on
3123 | the thirtieth day after the final adjournment of the regular
3124 | session of the legislature convened next after certification of
3125 | the census.

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3126 SECTION 9. Repeal of criminal statutes.--Repeal or
3127 amendment of a criminal statute shall not affect prosecution or
3128 punishment for any crime previously committed.

3129 SECTION 10. Felony; definition.--The term "felony," as
3130 used herein and in the laws of this state, shall mean any
3131 criminal offense that is punishable under the laws of this
3132 state, or that would be punishable if committed in this state,
3133 by death or by imprisonment in the state penitentiary.

3134 SECTION 11. Sovereignty lands.--The title to lands under
3135 navigable waters, within the boundaries of the state, which have
3136 not been alienated, including beaches below mean high water
3137 lines, is held by the state, by virtue of its sovereignty, in
3138 trust for all the people. Sale of such lands may be authorized
3139 by law, but only when in the public interest. Private use of
3140 portions of such lands may be authorized by law, but only when
3141 not contrary to the public interest.

3142 SECTION 12. Rules of construction.--Unless qualified in
3143 the text, the following rules of construction shall apply to
3144 this constitution.

3145 (a) "Herein" refers to the entire constitution.

3146 (b) The singular includes the plural.

3147 (c) The masculine includes the feminine.

3148 (d) "Vote of the electors" means the vote of the majority
3149 of those voting on the matter in an election, general or
3150 special, in which those participating are limited to the
3151 electors of the governmental unit referred to in the text.

3152 (e) Vote or other action of a legislative house or other
3153 governmental body means the vote or action of a majority or

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3154 other specified percentage of those members voting on the
3155 matter. "Of the membership" means "of all members thereof."

3156 (f) The terms "judicial office," "justices," and "judges"
3157 shall not include judges of courts established solely for the
3158 trial of violations of ordinances.

3159 (g) "Special law" means a special or local law.

3160 (h) Titles and subtitles shall not be used in
3161 construction.

3162 SECTION 13. Suits against the state.--Provision may be
3163 made by general law for bringing suit against the state as to
3164 all liabilities now existing or hereafter originating.

3165 SECTION 14. State retirement systems benefit changes.--A
3166 governmental unit responsible for any retirement or pension
3167 system supported in whole or in part by public funds shall not,
3168 after January 1, 1977, provide any increase in the benefits to
3169 the members or beneficiaries of such system unless such unit has
3170 made or concurrently makes provision for the funding of the
3171 increase in benefits on a sound actuarial basis.

3172 SECTION 15. State operated lotteries.--

3173 (a) Lotteries may be operated by the state.

3174 (b) ~~If any subsection or subsections of the amendment to~~
3175 ~~the Florida Constitution are held unconstitutional for~~
3176 ~~containing more than one subject, this amendment shall be~~
3177 ~~limited to subsection (a) above.~~

3178 (c) ~~This amendment shall be implemented as follows:~~

3179 (1) ~~Schedule~~ On the effective date of this amendment, The
3180 lotteries shall be known as the Florida Education Lotteries. Net
3181 proceeds derived from the lotteries shall be deposited to a

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3182 state trust fund, to be designated The State Education Lotteries
3183 Trust Fund, to be appropriated by the legislature. The schedule
3184 may be amended by general law.

3185 SECTION 16. Limiting marine net fishing.--

3186 (a) The marine resources of the State of Florida belong to
3187 all of the people of the state and should be conserved and
3188 managed for the benefit of the state, its people, and future
3189 generations. To this end, the people hereby enact limitations on
3190 marine net fishing in Florida waters to protect saltwater
3191 finfish, shellfish, and other marine animals from unnecessary
3192 killing, overfishing, and waste.

3193 (b) For the purpose of catching or taking any saltwater
3194 finfish, shellfish, or other marine animals in Florida waters:

3195 (1) No gill nets or other entangling nets shall be used in
3196 any Florida waters; and

3197 (2) In addition to the prohibition set forth in paragraph
3198 (1), no other type of net containing more than 500 square feet
3199 of mesh area shall be used in nearshore and inshore Florida
3200 waters. Additionally, no more than two such nets, which shall
3201 not be connected, shall be used from any vessel, and no person
3202 not on a vessel shall use more than one such net in nearshore
3203 and inshore Florida waters.

3204 (c) For purposes of this section, the term:

3205 (1) "Gill net" means one or more walls of netting which
3206 captures saltwater finfish by ensnaring or entangling them in
3207 the meshes of the net by the gills, and "entangling net" means a
3208 drift net, trammell net, stab net, or any other net which
3209 captures saltwater finfish, shellfish, or other marine animals

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3210 | by causing all or part of heads, fins, legs, or other body parts
 3211 | to become entangled or ensnared in the meshes of the net, but a
 3212 | hand-thrown ~~hand-thrown~~ cast net is not a gill net or an
 3213 | entangling net;

3214 | (2) "Mesh area" of a net means the total area of netting
 3215 | with the meshes open to comprise the maximum square footage. The
 3216 | square footage shall be calculated using standard mathematical
 3217 | formulas for geometric shapes. Seines and other rectangular nets
 3218 | shall be calculated using the maximum length and maximum width
 3219 | of the netting. Trawls and other bag type nets shall be
 3220 | calculated as a cone using the maximum circumference of the net
 3221 | mouth to derive the radius, and the maximum length from the net
 3222 | mouth to the tail end of the net to derive the slant height.
 3223 | Calculations for any other nets or combination type nets shall
 3224 | be based on the shapes of the individual components;

3225 | (3) "Coastline" means the territorial sea base line for
 3226 | the State of Florida established pursuant to the laws of the
 3227 | United States of America;

3228 | (4) "Florida waters" means the waters of the Atlantic
 3229 | Ocean, the Gulf of Mexico, the Straits of Florida, and any other
 3230 | bodies of water under the jurisdiction of the State of Florida,
 3231 | whether coastal, intracoastal, or inland, and any part thereof;
 3232 | and

3233 | (5) "Nearshore and inshore Florida waters" means all
 3234 | Florida waters inside a line three miles seaward of the
 3235 | coastline along the Gulf of Mexico and inside a line one mile
 3236 | seaward of the coastline along the Atlantic Ocean.

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3237 (d) This section shall not apply to the use of nets for
3238 scientific research or governmental purposes.

3239 (e) Persons violating this section shall be prosecuted and
3240 punished pursuant to the penalties provided in s. section
3241 370.021(2)(a), (b), (c)6. and 7., and (e), Florida Statutes
3242 (1991), unless and until the legislature enacts more stringent
3243 penalties for violations hereof. ~~On and after the effective date~~
3244 ~~of this section,~~ Law enforcement officers in the state are
3245 authorized to enforce the provisions of this section in the same
3246 manner and authority as if a violation of this section
3247 constituted a violation of chapter 370, Florida Statutes (1991).

3248 (f) It is the intent of this section that implementing
3249 legislation is not required for enforcing any violations hereof,
3250 but nothing in this section prohibits the establishment by law
3251 or pursuant to law of more restrictions on the use of nets for
3252 the purpose of catching or taking any saltwater finfish,
3253 shellfish, or other marine animals.

3254 (g) If any portion of this section is held invalid for any
3255 reason, the remaining portion of this section, to the fullest
3256 extent possible, shall be severed from the void portion and
3257 given the fullest possible force and application.

3258 ~~(h) This section shall take effect on the July 1 next~~
3259 ~~occurring after approval hereof by vote of the electors.~~

3260 SECTION 17. Everglades Trust Fund.--

3261 (a) There is hereby established the Everglades Trust Fund,
3262 which shall not be subject to termination pursuant to Article
3263 III, section 18(f) ~~19(f)~~. The purpose of the Everglades Trust
3264 Fund is to make funds available to assist in conservation and

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3265 protection of natural resources and abatement of water pollution
 3266 in the Everglades Protection Area and the Everglades
 3267 Agricultural Area. The trust fund shall be administered by the
 3268 South Florida Water Management District, or its successor
 3269 agency, consistent with statutory law.

3270 (b) The Everglades Trust Fund may receive funds from any
 3271 source, including gifts from individuals, corporations, or other
 3272 entities; funds from general revenue as determined by the
 3273 legislature; and any other funds so designated by the
 3274 legislature, by the United States Congress, or by any other
 3275 governmental entity.

3276 (c) Funds deposited to the Everglades Trust Fund shall be
 3277 expended for purposes of conservation and protection of natural
 3278 resources and abatement of water pollution in the Everglades
 3279 Protection Area and Everglades Agricultural Area.

3280 (d) For purposes of this section ~~subsection~~, the terms
 3281 "Everglades Protection Area," "Everglades Agricultural Area,"
 3282 and "South Florida Water Management District" shall have the
 3283 meanings as defined in statutes in effect on January 1, 1996.

3284 SECTION 18. Disposition of conservation lands.--The fee
 3285 interest in real property held by an entity of the state and
 3286 designated for natural resources conservation purposes as
 3287 provided by general law shall be managed for the benefit of the
 3288 citizens of this state and may be disposed of only if the
 3289 members of the governing board of the entity holding title
 3290 determine the property is no longer needed for conservation
 3291 purposes and only upon a vote of two-thirds of the governing
 3292 board.

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3293 ~~SECTION 19. High speed ground transportation system. To~~
 3294 ~~reduce traffic congestion and provide alternatives to the~~
 3295 ~~traveling public, it is hereby declared to be in the public~~
 3296 ~~interest that a high speed ground transportation system~~
 3297 ~~consisting of a monorail, fixed guideway or magnetic levitation~~
 3298 ~~system, capable of speeds in excess of 120 miles per hour, be~~
 3299 ~~developed and operated in the State of Florida to provide high~~
 3300 ~~speed ground transportation by innovative, efficient and~~
 3301 ~~effective technologies consisting of dedicated rails or~~
 3302 ~~guideways separated from motor vehicular traffic that will link~~
 3303 ~~the five largest urban areas of the State as determined by the~~
 3304 ~~Legislature and provide for access to existing air and ground~~
 3305 ~~transportation facilities and services. The Legislature, the~~
 3306 ~~Cabinet and the Governor are hereby directed to proceed with the~~
 3307 ~~development of such a system by the State and/or by a private~~
 3308 ~~entity pursuant to state approval and authorization, including~~
 3309 ~~the acquisition of right of way, the financing of design and~~
 3310 ~~construction of the system, and the operation of the system, as~~
 3311 ~~provided by specific appropriation and by law, with construction~~
 3312 ~~to begin on or before November 1, 2003.~~

3313 SECTION 19 20. Workplaces without tobacco smoke.--

3314 (a) PROHIBITION.--As a Florida health initiative to
 3315 protect people from the health hazards of second-hand tobacco
 3316 smoke, tobacco smoking is prohibited in enclosed indoor
 3317 workplaces.

3318 (b) EXCEPTIONS.--As further explained in the definitions
 3319 below, tobacco smoking may be permitted in private residences
 3320 whenever they are not being used commercially to provide child

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3321 care, adult care, or health care, or any combination thereof;
 3322 and further may be permitted in retail tobacco shops, designated
 3323 smoking guest rooms at hotels and other public lodging
 3324 establishments; and stand-alone bars. However, nothing in this
 3325 section or in its implementing legislation or regulations shall
 3326 prohibit the owner, lessee, or other person in control of the
 3327 use of an enclosed indoor workplace from further prohibiting or
 3328 limiting smoking therein.

3329 (c) DEFINITIONS.--For purposes of this section, the
 3330 following words and terms shall have the stated meanings:

3331 (1) "Smoking" means inhaling, exhaling, burning, carrying,
 3332 or possessing any lighted tobacco product, including cigarettes,
 3333 cigars, pipe tobacco, and any other lighted tobacco product.

3334 (2) "Second-hand smoke," also known as environmental
 3335 tobacco smoke ~~(ETS)~~, means smoke emitted from lighted,
 3336 smoldering, or burning tobacco when the smoker is not inhaling;
 3337 smoke emitted at the mouthpiece during puff drawing; and smoke
 3338 exhaled by the smoker.

3339 (3) "Work" means any person's providing any employment or
 3340 employment-type service for or at the request of another
 3341 individual or individuals or any public or private entity,
 3342 whether for compensation or not, whether full or part-time,
 3343 whether legally or not. "Work" includes, without limitation, any
 3344 such service performed by an employee, independent contractor,
 3345 agent, partner, proprietor, manager, officer, director,
 3346 apprentice, trainee, associate, servant, volunteer, and the
 3347 like.

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3348 (4) "Enclosed indoor workplace" means any place where one
3349 or more persons engages in work, and which place is
3350 predominantly or totally bounded on all sides and above by
3351 physical barriers, regardless of whether such barriers consist
3352 of or include uncovered openings, screened or otherwise
3353 partially covered openings; or open or closed windows,
3354 jalousies, doors, or the like. This section applies to all such
3355 enclosed indoor workplaces without regard to whether work is
3356 occurring at any given time.

3357 (5) "Commercial" use of a private residence means any time
3358 during which the owner, lessee, or other person occupying or
3359 controlling the use of the private residence is furnishing in
3360 the private residence, or causing or allowing to be furnished in
3361 the private residence, child care, adult care, or health care,
3362 or any combination thereof, and receiving or expecting to
3363 receive compensation therefor.

3364 (6) "Retail tobacco shop" means any enclosed indoor
3365 workplace dedicated to or predominantly for the retail sale of
3366 tobacco, tobacco products, and accessories for such products, in
3367 which the sale of other products or services is merely
3368 incidental.

3369 (7) "Designated smoking guest rooms at public lodging
3370 establishments" means the sleeping rooms and directly associated
3371 private areas, such as bathrooms, living rooms, and kitchen
3372 areas, if any, rented to guests for their exclusive transient
3373 occupancy in public lodging establishments including hotels,
3374 motels, resort condominiums, transient apartments, transient
3375 lodging establishments, rooming houses, boarding houses, resort

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3376 dwellings, bed and breakfast inns, and the like; and designated
3377 by the person or persons having management authority over such
3378 public lodging establishment as rooms in which smoking may be
3379 permitted.

3380 (8) "Stand-alone bar" means any place of business devoted
3381 during any time of operation predominantly or totally to serving
3382 alcoholic beverages, intoxicating beverages, or intoxicating
3383 liquors, or any combination thereof, for consumption on the
3384 licensed premises; in which the serving of food, if any, is
3385 merely incidental to the consumption of any such beverage; and
3386 that is not located within, and does not share any common
3387 entryway or common indoor area with, any other enclosed indoor
3388 workplace including any business for which the sale of food or
3389 any other product or service is more than an incidental source
3390 of gross revenue.

3391 (d) LEGISLATION. ~~---In the next regular legislative session~~
3392 ~~occurring after voter approval of this amendment,~~ The Florida
3393 legislature shall adopt legislation to implement this amendment
3394 in a manner consistent with its broad purpose and stated terms,
3395 ~~and having an effective date no later than July 1 of the year~~
3396 ~~following voter approval.~~ Such legislation shall include,
3397 without limitation, civil penalties for violations of this
3398 section; provisions for administrative enforcement; and the
3399 requirement and authorization of agency rules for implementation
3400 and enforcement. Nothing herein shall preclude the legislature
3401 from enacting any law constituting or allowing a more
3402 restrictive regulation of tobacco smoking than is provided in
3403 this section.

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3404 ~~SECTION 21.— Limiting cruel and inhumane confinement of~~
3405 ~~pigs during pregnancy. Inhumane treatment of animals is a~~
3406 ~~concern of Florida citizens. To prevent cruelty to certain~~
3407 ~~animals and as recommended by The Humane Society of the United~~
3408 ~~States, the people of the State of Florida hereby limit the~~
3409 ~~cruel and inhumane confinement of pigs during pregnancy as~~
3410 ~~provided herein.~~

3411 ~~(a) It shall be unlawful for any person to confine a pig~~
3412 ~~during pregnancy in an enclosure, or to tether a pig during~~
3413 ~~pregnancy, on a farm in such a way that she is prevented from~~
3414 ~~turning around freely.~~

3415 ~~(b) This section shall not apply:~~

3416 ~~(1) When a pig is undergoing an examination, test,~~
3417 ~~treatment or operation carried out for veterinary purposes,~~
3418 ~~provided the period during which the animal is confined or~~
3419 ~~tethered is not longer than reasonably necessary.~~

3420 ~~(2) During the prebirthing period.~~

3421 ~~(c) For purposes of this section:~~

3422 ~~(1) "Enclosure" means any cage, crate or other enclosure~~
3423 ~~in which a pig is kept for all or the majority of any day,~~
3424 ~~including what is commonly described as the "gestation crate."~~

3425 ~~(2) "Farm" means the land, buildings, support facilities,~~
3426 ~~and other appurtenances used in the production of animals for~~
3427 ~~food or fiber.~~

3428 ~~(3) "Person" means any natural person, corporation and/or~~
3429 ~~business entity.~~

3430 ~~(4) "Pig" means any animal of the porcine species.~~

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3431 ~~(5) "Turning around freely" means turning around without~~
 3432 ~~having to touch any side of the pig's enclosure.~~

3433 ~~(6) "Prebirthing period" means the seven day period prior~~
 3434 ~~to a pig's expected date of giving birth.~~

3435 ~~(d) A person who violates this section shall be guilty of~~
 3436 ~~a misdemeanor of the first degree, punishable as provided in s.~~
 3437 ~~775.082(4)(a), Florida Statutes (1999), as amended, or by a fine~~
 3438 ~~of not more than \$5000, or by both imprisonment and a fine,~~
 3439 ~~unless and until the legislature enacts more stringent penalties~~
 3440 ~~for violations hereof. On and after the effective date of this~~
 3441 ~~section, law enforcement officers in the state are authorized to~~
 3442 ~~enforce the provisions of this section in the same manner and~~
 3443 ~~authority as if a violation of this section constituted a~~
 3444 ~~violation of Section 828.13, Florida Statutes (1999). The~~
 3445 ~~confinement or tethering of each pig shall constitute a separate~~
 3446 ~~offense. The knowledge or acts of agents and employees of a~~
 3447 ~~person in regard to a pig owned, farmed or in the custody of a~~
 3448 ~~person, shall be held to be the knowledge or act of such person.~~

3449 ~~(e) It is the intent of this section that implementing~~
 3450 ~~legislation is not required for enforcing any violations hereof.~~

3451 ~~(f) If any portion of this section is held invalid for any~~
 3452 ~~reason, the remaining portion of this section, to the fullest~~
 3453 ~~extent possible, shall be severed from the void portion and~~
 3454 ~~given the fullest possible force and application.~~

3455 ~~(g) This section shall take effect six years after~~
 3456 ~~approval by the electors.~~

3457 SECTION 20 ~~22~~. Parental notice of termination of a minor's
 3458 pregnancy.--The legislature shall not limit or deny the privacy

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3459 right guaranteed to a minor under the United States Constitution
 3460 as interpreted by the United States Supreme Court.
 3461 Notwithstanding a minor's right of privacy provided in Article
 3462 I, section 23 ~~of Article I~~, the legislature is authorized to
 3463 require by general law for notification to a parent or guardian
 3464 of a minor before the termination of the minor's pregnancy. The
 3465 legislature shall provide exceptions to such requirement for
 3466 notification and shall create a process for judicial waiver of
 3467 the notification.

3468 SECTION 21 ~~23~~. Slot machines.--

3469 (a) ~~After voter approval of this constitutional amendment,~~
 3470 The governing bodies of Miami-Dade and Broward Counties each may
 3471 hold a countywide ~~county wide~~ referendum in their respective
 3472 counties on whether to authorize slot machines within existing,
 3473 licensed pari-mutuel ~~parimutuel~~ facilities (thoroughbred and
 3474 harness racing, greyhound racing, and jai-alai) that have
 3475 conducted live racing or games in that county during ~~each of the~~
 3476 ~~last two~~ calendar years 2002 and 2003 ~~before the effective date~~
 3477 ~~of this amendment~~. If the voters of such county approve the
 3478 referendum question by majority vote, slot machines shall be
 3479 authorized in such parimutuel facilities. If the voters of such
 3480 county by majority vote disapprove the referendum question, slot
 3481 machines shall not be so authorized, and the question shall not
 3482 be presented in another referendum in that county for at least
 3483 two years.

3484 (b) ~~In the next regular Legislative session occurring~~
 3485 ~~after voter approval of this constitutional amendment,~~ The
 3486 legislature shall adopt legislation implementing this section

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3487 ~~and having an effective date no later than July 1 of the year~~
3488 ~~following voter approval of this amendment.~~ Such legislation
3489 shall authorize agency rules for implementation, and may include
3490 provisions for the licensure and regulation of slot machines.
3491 The legislature may tax slot machine revenues, and any such
3492 taxes must supplement public education funding statewide.

3493 (c) If any part of this section is held invalid for any
3494 reason, the remaining portion or portions shall be severed from
3495 the invalid portion and given the fullest possible force and
3496 effect.

3497 ~~(d) This amendment shall become effective when approved by~~
3498 ~~vote of the electors of the state.~~

3499 SECTION 24. ~~Florida minimum wage.~~

3500 ~~(a) PUBLIC POLICY. All working Floridians are entitled to~~
3501 ~~be paid a minimum wage that is sufficient to provide a decent~~
3502 ~~and healthy life for them and their families, that protects~~
3503 ~~their employers from unfair low wage competition, and that does~~
3504 ~~not force them to rely on taxpayer funded public services in~~
3505 ~~order to avoid economic hardship.~~

3506 ~~(b) DEFINITIONS. As used in this amendment, the terms~~
3507 ~~"Employer," "Employee" and "Wage" shall have the meanings~~
3508 ~~established under the federal Fair Labor Standards Act (FLSA)~~
3509 ~~and its implementing regulations.~~

3510 ~~(c) MINIMUM WAGE. Employers shall pay Employees Wages no~~
3511 ~~less than the Minimum Wage for all hours worked in Florida. Six~~
3512 ~~months after enactment, the Minimum Wage shall be established at~~
3513 ~~an hourly rate of \$6.15. On September 30th of that year and on~~
3514 ~~each following September 30th, the state Agency for Workforce~~

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3515 ~~Innovation shall calculate an adjusted Minimum Wage rate by~~
3516 ~~increasing the current Minimum Wage rate by the rate of~~
3517 ~~inflation during the twelve months prior to each September 1st~~
3518 ~~using the consumer price index for urban wage earners and~~
3519 ~~clerical workers, CPI W, or a successor index as calculated by~~
3520 ~~the United States Department of Labor. Each adjusted Minimum~~
3521 ~~Wage rate calculated shall be published and take effect on the~~
3522 ~~following January 1st. For tipped Employees meeting eligibility~~
3523 ~~requirements for the tip credit under the FLSA, Employers may~~
3524 ~~credit towards satisfaction of the Minimum Wage tips up to the~~
3525 ~~amount of the allowable FLSA tip credit in 2003.~~

3526 ~~(d) RETALIATION PROHIBITED. It shall be unlawful for an~~
3527 ~~Employer or any other party to discriminate in any manner or~~
3528 ~~take adverse action against any person in retaliation for~~
3529 ~~exercising rights protected under this amendment. Rights~~
3530 ~~protected under this amendment include, but are not limited to,~~
3531 ~~the right to file a complaint or inform any person about any~~
3532 ~~party's alleged noncompliance with this amendment, and the right~~
3533 ~~to inform any person of his or her potential rights under this~~
3534 ~~amendment and to assist him or her in asserting such rights.~~

3535 ~~(e) ENFORCEMENT. Persons aggrieved by a violation of this~~
3536 ~~amendment may bring a civil action in a court of competent~~
3537 ~~jurisdiction against an Employer or person violating this~~
3538 ~~amendment and, upon prevailing, shall recover the full amount of~~
3539 ~~any back wages unlawfully withheld plus the same amount as~~
3540 ~~liquidated damages, and shall be awarded reasonable attorney's~~
3541 ~~fees and costs. In addition, they shall be entitled to such~~
3542 ~~legal or equitable relief as may be appropriate to remedy the~~

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3543 | ~~violation including, without limitation, reinstatement in~~
 3544 | ~~employment and/or injunctive relief. Any Employer or other~~
 3545 | ~~person found liable for willfully violating this amendment shall~~
 3546 | ~~also be subject to a fine payable to the state in the amount of~~
 3547 | ~~\$1000.00 for each violation. The state attorney general or other~~
 3548 | ~~official designated by the state legislature may also bring a~~
 3549 | ~~civil action to enforce this amendment. Actions to enforce this~~
 3550 | ~~amendment shall be subject to a statute of limitations of four~~
 3551 | ~~years or, in the case of willful violations, five years. Such~~
 3552 | ~~actions may be brought as a class action pursuant to Rule 1.220~~
 3553 | ~~of the Florida Rules of Civil Procedure.~~

3554 | ~~(f) ADDITIONAL LEGISLATION, IMPLEMENTATION AND~~
 3555 | ~~CONSTRUCTION. Implementing legislation is not required in order~~
 3556 | ~~to enforce this amendment. The state legislature may by statute~~
 3557 | ~~establish additional remedies or fines for violations of this~~
 3558 | ~~amendment, raise the applicable Minimum Wage rate, reduce the~~
 3559 | ~~tip credit, or extend coverage of the Minimum Wage to employers~~
 3560 | ~~or employees not covered by this amendment. The state~~
 3561 | ~~legislature may by statute or the state Agency for Workforce~~
 3562 | ~~Innovation may by regulation adopt any measures appropriate for~~
 3563 | ~~the implementation of this amendment. This amendment provides~~
 3564 | ~~for payment of a minimum wage and shall not be construed to~~
 3565 | ~~preempt or otherwise limit the authority of the state~~
 3566 | ~~legislature or any other public body to adopt or enforce any~~
 3567 | ~~other law, regulation, requirement, policy or standard that~~
 3568 | ~~provides for payment of higher or supplemental wages or~~
 3569 | ~~benefits, or that extends such protections to employers or~~
 3570 | ~~employees not covered by this amendment. It is intended that~~

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3571 ~~ease law, administrative interpretations, and other guiding~~
3572 ~~standards developed under the federal FLSA shall guide the~~
3573 ~~construction of this amendment and any implementing statutes or~~
3574 ~~regulations.~~

3575 ~~(g) SEVERABILITY. If any part of this amendment, or the~~
3576 ~~application of this amendment to any person or circumstance, is~~
3577 ~~held invalid, the remainder of this amendment, including the~~
3578 ~~application of such part to other persons or circumstances,~~
3579 ~~shall not be affected by such a holding and shall continue in~~
3580 ~~full force and effect. To this end, the parts of this amendment~~
3581 ~~are severable.~~

3582 ~~SECTION 25. Patients' right to know about adverse medical~~
3583 ~~incidents.—~~

3584 ~~(a) In addition to any other similar rights provided~~
3585 ~~herein or by general law, patients have a right to have access~~
3586 ~~to any records made or received in the course of business by a~~
3587 ~~health care facility or provider relating to any adverse medical~~
3588 ~~incident.~~

3589 ~~(b) In providing such access, the identity of patients~~
3590 ~~involved in the incidents shall not be disclosed, and any~~
3591 ~~privacy restrictions imposed by federal law shall be maintained.~~

3592 ~~(c) For purposes of this section, the following terms have~~
3593 ~~the following meanings:~~

3594 ~~(1) The phrases "health care facility" and "health care~~
3595 ~~provider" have the meaning given in general law related to a~~
3596 ~~patient's rights and responsibilities.~~

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3597 ~~(2) The term "patient" means an individual who has sought,~~
 3598 ~~is seeking, is undergoing, or has undergone care or treatment in~~
 3599 ~~a health care facility or by a health care provider.~~

3600 ~~(3) The phrase "adverse medical incident" means medical~~
 3601 ~~negligence, intentional misconduct, and any other act, neglect,~~
 3602 ~~or default of a health care facility or health care provider~~
 3603 ~~that caused or could have caused injury to or death of a~~
 3604 ~~patient, including, but not limited to, those incidents that are~~
 3605 ~~required by state or federal law to be reported to any~~
 3606 ~~governmental agency or body, and incidents that are reported to~~
 3607 ~~or reviewed by any health care facility peer review, risk~~
 3608 ~~management, quality assurance, credentials, or similar~~
 3609 ~~committee, or any representative of any such committees.~~

3610 ~~(4) The phrase "have access to any records" means, in~~
 3611 ~~addition to any other procedure for producing such records~~
 3612 ~~provided by general law, making the records available for~~
 3613 ~~inspection and copying upon formal or informal request by the~~
 3614 ~~patient or a representative of the patient, provided that~~
 3615 ~~current records which have been made publicly available by~~
 3616 ~~publication or on the Internet may be "provided" by reference to~~
 3617 ~~the location at which the records are publicly available.~~

3618 ~~SECTION 26. Prohibition of medical license after repeated~~
 3619 ~~medical malpractice.—~~

3620 ~~(a) No person who has been found to have committed three~~
 3621 ~~or more incidents of medical malpractice shall be licensed or~~
 3622 ~~continue to be licensed by the State of Florida to provide~~
 3623 ~~health care services as a medical doctor.~~

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3624 ~~(b) For purposes of this section, the following terms have~~
3625 ~~the following meanings:~~

3626 ~~(1) The phrase "medical malpractice" means both the~~
3627 ~~failure to practice medicine in Florida with that level of care,~~
3628 ~~skill, and treatment recognized in general law related to health~~
3629 ~~care providers' licensure, and any similar wrongful act,~~
3630 ~~neglect, or default in other states or countries which, if~~
3631 ~~committed in Florida, would have been considered medical~~
3632 ~~malpractice.~~

3633 ~~(2) The phrase "found to have committed" means that the~~
3634 ~~malpractice has been found in a final judgment of a court of~~
3635 ~~law, final administrative agency decision, or decision of~~
3636 ~~binding arbitration.~~

3637

3638 ARTICLE XI
3639 AMENDMENTS

3640

3641 SECTION 1. Proposal by legislature.--Amendment of a
3642 section or revision of one or more articles, or the whole, of
3643 this constitution may be proposed by joint resolution agreed to
3644 by three-fifths of the membership of each house of the
3645 legislature. The full text of the joint resolution and the vote
3646 of each member voting shall be entered on the journal of each
3647 house.

3648 SECTION 2. Revision commission.--

3649 (a) Within thirty days before the convening of the 2017
3650 regular session of the legislature, and each twentieth year

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3651 thereafter, there shall be established a constitution revision
3652 commission composed of the following thirty-seven members:

- 3653 (1) The attorney general of the state;
- 3654 (2) Fifteen members selected by the governor;
- 3655 (3) Nine members selected by the speaker of the house of
3656 representatives and nine members selected by the president of
3657 the senate; and
- 3658 (4) Three members selected by the Chief Justice of the
3659 Supreme Court of Florida with the advice of the justices.

3660 (b) The governor shall designate one member of the
3661 commission as its chair. Vacancies in the membership of the
3662 commission shall be filled in the same manner as the original
3663 appointments.

3664 (c) Each constitution revision commission shall convene at
3665 the call of its chair, adopt its rules of procedure, examine the
3666 constitution of the state, hold public hearings, and, not later
3667 than one hundred eighty days prior to the next general election,
3668 file with the custodian of state records its proposal, if any,
3669 of a revision of this constitution or any part of it.

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

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3679 | the state, and of the state as a whole, equal to eight percent
 3680 | of the votes cast in each of such districts respectively and in
 3681 | the state as a whole in the last preceding election in which
 3682 | presidential electors were chosen.

3683 | SECTION 4. Constitutional convention.--

3684 | (a) The power to call a convention to consider a revision
 3685 | of the entire constitution is reserved to the people. It may be
 3686 | invoked by filing with the custodian of state records a
 3687 | petition, containing a declaration that a constitutional
 3688 | convention is desired, signed by a number of electors in each of
 3689 | one half of the congressional districts of the state, and of the
 3690 | state as a whole, equal to fifteen percent ~~per cent~~ of the votes
 3691 | cast in each such district respectively and in the state as a
 3692 | whole in the last preceding election of presidential electors.

3693 | (b) At the next general election held more than ninety
 3694 | days after the filing of such petition, there shall be submitted
 3695 | to the electors of the state the question: "Shall a
 3696 | constitutional convention be held?" If a majority voting on the
 3697 | question votes in the affirmative, at the next succeeding
 3698 | general election there shall be elected from each representative
 3699 | district a member of a constitutional convention. On the twenty-
 3700 | first day following that election, the convention shall sit at
 3701 | the capital, elect officers, adopt rules of procedure, judge the
 3702 | election of its membership, and fix a time and place for its
 3703 | future meetings. Not later than ninety days before the next
 3704 | succeeding general election, the convention shall cause to be
 3705 | filed with the custodian of state records any revision of this
 3706 | constitution proposed by it.

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3707 SECTION 5. Amendment or revision election.--

3708 (a) A proposed amendment to or revision of this
 3709 constitution, or any part of it, shall be submitted to the
 3710 electors at the next general election held more than ninety days
 3711 after the joint resolution or report of revision commission,
 3712 constitutional convention, or taxation and budget reform
 3713 commission proposing it is filed with the custodian of state
 3714 records, unless, pursuant to law enacted by the affirmative vote
 3715 of three-fourths of the membership of each house of the
 3716 legislature and limited to a single amendment or revision, it is
 3717 submitted at an earlier special election held more than ninety
 3718 days after such filing.

3719 (b) A proposed amendment or revision of this constitution,
 3720 or any part of it, by initiative shall be submitted to the
 3721 electors at the general election provided the initiative
 3722 petition is filed with the custodian of state records no later
 3723 than February 1 of the year in which the general election is
 3724 held.

3725 (c) The legislature shall provide by general law, prior to
 3726 the holding of an election pursuant to this section, for the
 3727 provision of a statement to the public regarding the probable
 3728 financial impact of any amendment proposed by initiative
 3729 pursuant to section 3.

3730 (d) Once in the tenth week, and once in the sixth week
 3731 immediately preceding the week in which the election is held,
 3732 the proposed amendment or revision, with notice of the date of
 3733 election at which it will be submitted to the electors, shall be

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3734 | published in one newspaper of general circulation in each county
3735 | in which a newspaper is published.

3736 | (e) If the proposed amendment or revision is approved by
3737 | vote of the electors, it shall be effective as an amendment to
3738 | or revision of the constitution of the state on the first
3739 | Tuesday after the first Monday in January following the
3740 | election, or on such other date as may be specified in the
3741 | amendment or revision.

3742 | SECTION 6. Taxation and budget reform commission.--

3743 | (a) Beginning in 2007 and each twentieth year thereafter,
3744 | there shall be established a taxation and budget reform
3745 | commission composed of the following members:

3746 | (1) Eleven members selected by the governor, none of whom
3747 | shall be a member of the legislature at the time of appointment.

3748 | (2) Seven members selected by the speaker of the house of
3749 | representatives and seven members selected by the president of
3750 | the senate, none of whom shall be a member of the legislature at
3751 | the time of appointment.

3752 | (3) Four nonvoting ~~non-voting~~ ex officio members, all of
3753 | whom shall be members of the legislature at the time of
3754 | appointment. Two of these members, one of whom shall be a member
3755 | of the minority party in the house of representatives, shall be
3756 | selected by the speaker of the house of representatives, and two
3757 | of these members, one of whom shall be a member of the minority
3758 | party in the senate, shall be selected by the president of the
3759 | senate.

3760 | (b) Vacancies in the membership of the commission shall be
3761 | filled in the same manner as the original appointments.

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3762 (c) At its initial meeting, the members of the commission
3763 shall elect a member who is not a member of the legislature to
3764 serve as chair and the commission shall adopt its rules of
3765 procedure. Thereafter, the commission shall convene at the call
3766 of the chair. An affirmative vote of two thirds of the full
3767 commission shall be necessary for any revision of this
3768 constitution or any part of it to be proposed by the commission.

3769 (d) The commission shall examine the state budgetary
3770 process, the revenue needs and expenditure processes of the
3771 state, the appropriateness of the tax structure of the state,
3772 and governmental productivity and efficiency; review policy as
3773 it relates to the ability of state and local government to tax
3774 and adequately fund governmental operations and capital
3775 facilities required to meet the state's needs during the next
3776 twenty year period; determine methods favored by the citizens of
3777 the state to fund the needs of the state, including alternative
3778 methods for raising sufficient revenues for the needs of the
3779 state; determine measures that could be instituted to
3780 effectively gather funds from existing tax sources; examine
3781 constitutional limitations on taxation and expenditures at the
3782 state and local level; and review the state's comprehensive
3783 planning, budgeting, and needs assessment processes to determine
3784 whether the resulting information adequately supports a
3785 strategic decisionmaking process.

3786 (e) The commission shall hold public hearings as it deems
3787 necessary to carry out its responsibilities under this section.
3788 The commission shall issue a report of the results of the review
3789 carried out, and propose to the legislature any recommended

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3790 | statutory changes related to the taxation or budgetary laws of
 3791 | the state. Not later than one hundred eighty days prior to the
 3792 | next general election ~~in the second year following the year in~~
 3793 | ~~which the commission is established~~, the commission shall file
 3794 | with the custodian of state records its proposal, if any, of a
 3795 | revision of this constitution or any part of it dealing with
 3796 | taxation or the state budgetary process.

3797 | SECTION 7. Tax or fee limitation.--Notwithstanding Article
 3798 | X, section 12(d) ~~of this constitution~~, no new state tax or fee
 3799 | shall be imposed on or after November 8, 1994, by any amendment
 3800 | to this constitution unless the proposed amendment is approved
 3801 | by not fewer than two-thirds of the voters voting in the
 3802 | election in which such proposed amendment is considered. For
 3803 | purposes of this section, the phrase "new state tax or fee"
 3804 | shall mean any tax or fee that ~~which~~ would produce revenue
 3805 | subject to lump sum or other appropriation by the legislature,
 3806 | either for the state general revenue fund or any trust fund,
 3807 | which tax or fee is not in effect on November 7, 1994, including
 3808 | without limitation such taxes and fees as are the subject of
 3809 | proposed constitutional amendments appearing on the ballot on
 3810 | November 8, 1994. This section shall apply to proposed
 3811 | constitutional amendments relating to state taxes or fees that
 3812 | ~~which~~ appear on the November 8, 1994, ballot, or later ballots,
 3813 | and any such proposed amendment that ~~which~~ fails to gain the
 3814 | two-thirds vote required hereby shall be null, void, and without
 3815 | effect.

3816 |

3817 |

ARTICLE XII
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SCHEDULE

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

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

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

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

SECTION 3 5. Superintendent of schools.--

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

~~(b)~~ The method of selection of the county superintendent of public instruction of each county, as provided by or under

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3846 | the constitution of 1885, as amended, shall apply to the
3847 | selection of the district superintendent of schools until
3848 | changed as herein provided.

3849 | SECTION 4 ~~6~~. Laws preserved.--

3850 | (a) All laws in effect upon the adoption of this revision,
3851 | to the extent not inconsistent with it, shall remain in force
3852 | until they expire by their terms or are repealed.

3853 | (b) All statutes that ~~which~~, under the constitution of
3854 | 1885, as amended, apply to the state superintendent of public
3855 | instruction and those that ~~which~~ apply to the county
3856 | superintendent of public instruction shall under this revision
3857 | apply, respectively, to the state commissioner of education and
3858 | the district superintendent of schools.

3859 | SECTION 5 ~~7~~. Rights reserved.--

3860 | (a) All actions, rights of action, claims, contracts, and
3861 | obligations of individuals, corporations, and public bodies or
3862 | agencies existing on the date this revision becomes effective
3863 | shall continue to be valid as if this revision had not been
3864 | adopted. All taxes, penalties, fines and forfeitures owing to
3865 | the state under the constitution of 1885, as amended, shall
3866 | inure to the state under this revision, and all sentences as
3867 | punishment for crime shall be executed according to their terms.

3868 | (b) This revision shall not be retroactive so as to create
3869 | any right or liability that ~~which~~ did not exist under the
3870 | constitution of 1885, as amended, based upon matters occurring
3871 | prior to the adoption of this revision.

3872 | SECTION 6 ~~8~~. Public debts recognized.--All bonds, revenue
3873 | certificates, revenue bonds, and tax anticipation certificates

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3874 | issued pursuant to the constitution of 1885, as amended by the
 3875 | state, any agency, political subdivision, or public corporation
 3876 | of the state shall remain in full force and effect and shall be
 3877 | secured by the same sources of revenue as before the adoption of
 3878 | this revision, and, to the extent necessary to effectuate this
 3879 | section, the applicable provisions of the constitution of 1885,
 3880 | as amended, are retained as a part of this revision until
 3881 | payment in full of these public securities.

3882 | SECTION 7 ~~9~~. Bonds.--

3883 | (a) ADDITIONAL SECURITIES.--

3884 | (1) Article IX, section 17, of the constitution of 1885,
 3885 | as amended, as it existed immediately before this Constitution,
 3886 | as revised in 1968, became effective, is adopted by this
 3887 | reference as a part of this revision as completely as though
 3888 | incorporated herein verbatim, except revenue bonds, revenue
 3889 | certificates, or other evidences of indebtedness hereafter
 3890 | issued thereunder may be issued by the agency of the state so
 3891 | authorized by law.

3892 | (2) a. That portion of Article XII, section 7(a), ~~9~~
 3893 | ~~Subsection (a)~~ of this Constitution, as amended, which by
 3894 | reference adopted Article XII, section 19, of the constitution
 3895 | of 1885, as amended, as the same existed immediately before the
 3896 | effective date of this amendment is adopted by this reference as
 3897 | part of this revision as completely as though incorporated
 3898 | herein verbatim, for the purpose of providing that after the
 3899 | effective date of this amendment all of the proceeds of the
 3900 | revenues derived from the gross receipts taxes, as therein
 3901 | defined, collected in each year shall be applied as provided

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3902 | therein to the extent necessary to comply with all obligations
 3903 | to or for the benefit of holders of bonds or certificates issued
 3904 | before the effective date of this amendment or any refundings
 3905 | thereof that ~~which~~ are secured by such gross receipts taxes. No
 3906 | bonds or other obligations may be issued pursuant to the
 3907 | provisions of Article XII, section 19, of the constitution of
 3908 | 1885, as amended, but this provision shall not be construed to
 3909 | prevent the refunding of any such outstanding bonds or
 3910 | obligations pursuant to the provisions of this paragraph
 3911 | ~~subsection (a)(2)~~.

3912 | b. Subject to the requirements of subparagraph a. ~~the~~
 3913 | ~~first paragraph of this subsection (a)(2)~~, beginning July 1,
 3914 | 1975, all of the proceeds of the revenues derived from the gross
 3915 | receipts taxes collected from every person, including
 3916 | municipalities, as provided and levied pursuant to the
 3917 | provisions of chapter 203, Florida Statutes, as such chapter is
 3918 | amended from time to time, shall, as collected, be placed in a
 3919 | trust fund to be known as the "public education capital outlay
 3920 | and debt service trust fund" in the state treasury (hereinafter
 3921 | referred to as "capital outlay fund"), and used only as provided
 3922 | herein.

3923 | c. The capital outlay fund shall be administered by the
 3924 | state board of education as created and constituted by Article
 3925 | IX, section 2, ~~of Article IX of this the constitution of Florida~~
 3926 | ~~as revised in 1968~~ (hereinafter referred to as "state board"),
 3927 | or by such other instrumentality of the state that ~~which~~ shall
 3928 | hereafter succeed by law to the powers, duties, and functions of
 3929 | the state board, including the powers, duties, and functions of

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3930 | the state board provided in this paragraph ~~subsection (a)(2)~~.
 3931 | The state board shall be a body corporate and shall have all the
 3932 | powers provided herein in addition to all other constitutional
 3933 | and statutory powers related to the purposes of this paragraph
 3934 | ~~subsection (a)(2)~~ heretofore or hereafter conferred by law upon
 3935 | the state board, or its predecessor created by the constitution
 3936 | of 1885, as amended.

3937 | d. State bonds pledging the full faith and credit of the
 3938 | state may be issued, without a vote of the electors, by the
 3939 | state board pursuant to law to finance or refinance capital
 3940 | projects theretofore authorized by the legislature, and any
 3941 | purposes appurtenant or incidental thereto, for the state system
 3942 | of public education provided for in Article IX, section 1, ~~of~~
 3943 | ~~Article IX~~ of this constitution (hereinafter referred to as
 3944 | "state system"), including but not limited to institutions of
 3945 | higher learning, community colleges, vocational technical
 3946 | schools, or public schools, as now defined or as may hereafter
 3947 | be defined by law. All such bonds shall mature not later than
 3948 | thirty years after the date of issuance thereof. All other
 3949 | details of such bonds shall be as provided by law or by the
 3950 | proceedings authorizing such bonds; provided, however, that no
 3951 | bonds, except refunding bonds, shall be issued, and no proceeds
 3952 | shall be expended for the cost of any capital project, unless
 3953 | such project has been authorized by the legislature.

3954 | e. Bonds issued pursuant to this paragraph ~~subsection~~
 3955 | ~~(a)(2)~~ shall be primarily payable from such revenues derived
 3956 | from gross receipts taxes, and shall be additionally secured by
 3957 | the full faith and credit of the state. No such bonds shall ever

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3958 | be issued in an amount exceeding ninety percent of the amount
 3959 | that ~~which~~ the state board determines can be serviced by the
 3960 | revenues derived from the gross receipts taxes accruing
 3961 | thereafter under the provisions of this paragraph ~~subsection~~
 3962 | ~~(a)(2)~~, and such determination shall be conclusive.

3963 | f. The moneys in the capital outlay fund in each fiscal
 3964 | year shall be used only for the following purposes and in the
 3965 | following order of priority:

3966 | 1.a. For the payment of the principal of and interest on
 3967 | any bonds due in such fiscal year;

3968 | 2.b. For the deposit into any reserve funds provided for
 3969 | in the proceedings authorizing the issuance of bonds of any
 3970 | amounts required to be deposited in such reserve funds in such
 3971 | fiscal year;

3972 | 3.e. For direct payment of the cost or any part of the
 3973 | cost of any capital project for the state system theretofore
 3974 | authorized by the legislature, or for the purchase or redemption
 3975 | of outstanding bonds in accordance with the provisions of the
 3976 | proceedings that ~~which~~ authorized the issuance of such bonds, or
 3977 | for the purpose of maintaining, restoring, or repairing existing
 3978 | public educational facilities.

3979 | (b) REFUNDING BONDS.--Revenue bonds to finance the cost of
 3980 | state capital projects issued prior to the date this revision
 3981 | becomes effective, including projects of the Florida state
 3982 | turnpike authority or its successor but excluding all portions
 3983 | of the state highway system, may be refunded as provided by law
 3984 | without vote of the electors at a lower net average interest

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3985 | cost rate by the issuance of bonds maturing not later than the
3986 | obligations refunded, secured by the same revenues only.

3987 | (c) MOTOR VEHICLE FUEL TAXES.--

3988 | (1) A state tax, designated "second gas tax," of two cents
3989 | per gallon upon gasoline and other like products of petroleum
3990 | and an equivalent tax upon other sources of energy used to
3991 | propel motor vehicles as levied by Article IX, section 16, of
3992 | the constitution of 1885, as amended, is hereby continued. The
3993 | proceeds of said tax shall be placed monthly in the state roads
3994 | distribution fund in the state treasury.

3995 | (2) Article IX, section 16, of the constitution of 1885,
3996 | as amended, is adopted by this reference as a part of this
3997 | revision as completely as though incorporated herein verbatim
3998 | for the purpose of providing that after the effective date of
3999 | this revision the proceeds of the "second gas tax" as referred
4000 | to therein shall be allocated among the several counties in
4001 | accordance with the formula stated therein to the extent
4002 | necessary to comply with all obligations to or for the benefit
4003 | of holders of bonds, revenue certificates, and tax anticipation
4004 | certificates or any refundings thereof secured by any portion of
4005 | the "second gas tax."

4006 | (3) No funds anticipated to be allocated under the formula
4007 | stated in Article IX, section 16, of the constitution of 1885,
4008 | as amended, shall be pledged as security for any obligation
4009 | hereafter issued or entered into, except that any outstanding
4010 | obligations previously issued pledging revenues allocated under
4011 | said Article IX, section 16, may be refunded at a lower average
4012 | net interest cost rate by the issuance of refunding bonds,

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4013 maturing not later than the obligations refunded, secured by the
4014 same revenues and any other security authorized in paragraph (5)
4015 ~~of this subsection.~~

4016 (4) Subject to the requirements of paragraph (2) ~~of this~~
4017 ~~subsection~~ and after payment of administrative expenses, the
4018 "second gas tax" shall be allocated to the account of each of
4019 the several counties in the amounts to be determined as follows:
4020 There shall be an initial allocation of one-fourth in the ratio
4021 of county area to state area, one-fourth in the ratio of the
4022 total county population to the total population of the state in
4023 accordance with the latest available federal census, and one-
4024 half in the ratio of the total "second gas tax" collected on
4025 retail sales or use in each county to the total collected in all
4026 counties of the state during the previous fiscal year. If the
4027 annual debt service requirements of any obligations issued for
4028 any county, including any deficiencies for prior years, secured
4029 under paragraph (2) ~~of this subsection~~, exceeds the amount that
4030 ~~which~~ would be allocated to that county under the formula set
4031 out in this paragraph, the amounts allocated to other counties
4032 shall be reduced proportionately.

4033 (5) Funds allocated under paragraphs (2) and (4) ~~of this~~
4034 ~~subsection~~ shall be administered by the state board of
4035 administration created under Article IV, section 4. The board
4036 shall remit the proceeds of the "second gas tax" in each county
4037 account for use in said county as follows: eighty percent ~~per~~
4038 ~~cent~~ to the state agency supervising the state road system and
4039 twenty percent ~~per cent~~ to the governing body of the county. The
4040 percentage allocated to the county may be increased by general

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4041 law. The proceeds of the "second gas tax" subject to allocation
 4042 to the several counties under this paragraph ~~(5)~~ shall be used
 4043 first, for the payment of obligations pledging revenues
 4044 allocated pursuant to Article IX, section 16, of the
 4045 constitution of 1885, as amended, and any refundings thereof;
 4046 second, for the payment of debt service on bonds issued as
 4047 provided by this paragraph (5) to finance the acquisition and
 4048 construction of roads as defined by law; and third, for the
 4049 acquisition and construction of roads and for road maintenance
 4050 as authorized by law. When authorized by law, state bonds
 4051 pledging the full faith and credit of the state may be issued
 4052 without any election to:

4053 a. ~~(i) to~~ Refund obligations secured by any portion of the
 4054 "second gas tax" allocated to a county under Article IX, section
 4055 16, of the constitution of 1885, as amended.†

4056 b. ~~(ii) to~~ Finance the acquisition and construction of
 4057 roads in a county when approved by the governing body of the
 4058 county and the state agency supervising the state road system.†

4059 c. ~~and (iii) to~~ Refund obligations secured by any portion
 4060 of the "second gas tax" allocated under paragraph ~~9(e)~~(4).

4061
 4062 No such bonds shall be issued unless a state fiscal agency
 4063 created by law has made a determination that in no state fiscal
 4064 year will the debt service requirements of the bonds and all
 4065 other bonds secured by the pledged portion of the "second gas
 4066 tax" allocated to the county exceed seventy-five percent ~~per~~
 4067 ~~cent~~ of the pledged portion of the "second gas tax" allocated to
 4068 that county for the preceding state fiscal year, of the pledged

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4069 net tolls from existing facilities collected in the preceding
 4070 state fiscal year, and of the annual average net tolls
 4071 anticipated during the first five state fiscal years of
 4072 operation of new projects to be financed, and of any other
 4073 legally available pledged revenues collected in the preceding
 4074 state fiscal year. Bonds issued pursuant to this subsection
 4075 shall be payable primarily from the pledged tolls, the pledged
 4076 portions of the "second gas tax" allocated to that county, and
 4077 any other pledged revenue, and shall mature not later than forty
 4078 years from the date of issuance.

4079 (d) SCHOOL BONDS.--

4080 (1) Article XII, section 7(d), ~~9, Subsection (d)~~ of this
 4081 constitution, as amended, (which, by reference, adopted Article
 4082 XII, section 18, of the constitution of 1885, as amended), as
 4083 the same existed immediately before the effective date of this
 4084 amendment is adopted by this reference as part of this amendment
 4085 as completely as though incorporated herein verbatim, for the
 4086 purpose of providing that after the effective date of this
 4087 amendment the first proceeds of the revenues derived from the
 4088 licensing of motor vehicles as referred to therein shall be
 4089 distributed annually among the several counties in the ratio of
 4090 the number of instruction units in each county, the same being
 4091 coterminous ~~eoterminus~~ with the school district of each county
 4092 as provided in Article IX, section 4(a), ~~4, Subsection (a)~~ of
 4093 this constitution, in each year computed as provided therein to
 4094 the extent necessary to comply with all obligations to or for
 4095 the benefit of holders of bonds or motor vehicle tax
 4096 anticipation certificates issued before the effective date of

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4097 | this amendment or any refundings thereof that ~~which~~ are secured
 4098 | by any portion of such revenues derived from the licensing of
 4099 | motor vehicles.

4100 | (2) No funds anticipated to be distributed annually among
 4101 | the several counties under the formula stated in Article XII,
 4102 | section 7(d), ~~9, Subsection (d)~~ of this constitution, as
 4103 | amended, as the same existed immediately before the effective
 4104 | date of this amendment shall be pledged as security for any
 4105 | obligations hereafter issued or entered into, except that any
 4106 | outstanding obligations previously issued pledging such funds
 4107 | may be refunded by the issuance of refunding bonds.

4108 | (3) Subject to the requirements of paragraph (d) (1)
 4109 | ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973, the
 4110 | first proceeds of the revenues derived from the licensing of
 4111 | motor vehicles (hereinafter called "motor vehicle license
 4112 | revenues") to the extent necessary to comply with the provisions
 4113 | of this amendment, shall, as collected, be placed monthly in the
 4114 | school district and community college district capital outlay
 4115 | and debt service fund in the state treasury and used only as
 4116 | provided in this amendment. Such revenue shall be distributed
 4117 | annually among the several school districts and community
 4118 | college districts in the ratio of the number of instruction
 4119 | units in each school district or community college district in
 4120 | each year computed as provided herein. The amount of the first
 4121 | motor vehicle license revenues to be so set aside in each year
 4122 | and distributed as provided herein shall be an amount equal in
 4123 | the aggregate to the product of six hundred dollars ~~(\$600)~~
 4124 | multiplied by the total number of instruction units in all the

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4125 school districts of Florida for the school fiscal year 1967-68,
 4126 plus an amount equal in the aggregate to the product of eight
 4127 hundred dollars ~~(\$800)~~ multiplied by the total number of
 4128 instruction units in all the school districts of Florida for the
 4129 school fiscal year 1972-73 and for each school fiscal year
 4130 thereafter that ~~which~~ is in excess of the total number of such
 4131 instruction units in all the school districts of Florida for the
 4132 school fiscal year 1967-68, such excess units being designated
 4133 "growth units." The amount of the first motor vehicle license
 4134 revenues to be so set aside in each year and distributed as
 4135 provided herein shall additionally be an amount equal in the
 4136 aggregate to the product of four hundred dollars ~~(\$400)~~
 4137 multiplied by the total number of instruction units in all
 4138 community college districts of Florida. The number of
 4139 instruction units in each school district or community college
 4140 district in each year for the purposes of this amendment shall
 4141 be the greater of:

4142 a.~~(1)~~ The number of instruction units in each school
 4143 district for the school fiscal year 1967-68 or community college
 4144 district for the school fiscal year 1968-69 computed in the
 4145 manner heretofore provided by general law; i ~~r or~~

4146 b.~~(2)~~ The number of instruction units in such school
 4147 district, including growth units, or community college district
 4148 for the school fiscal year computed in the manner heretofore or
 4149 hereafter provided by general law and approved by the state
 4150 board of education (hereinafter called the state board); i ~~r or~~

4151 c.~~(3)~~ The number of instruction units in each school
 4152 district, including growth units, or community college district

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4153 | on behalf of which the state board has issued bonds or motor
 4154 | vehicle license revenue anticipation certificates under this
 4155 | amendment that ~~which~~ will produce sufficient revenues under this
 4156 | amendment to equal one and twelve-hundredths (1.12) times the
 4157 | aggregate amount of principal of and interest on all bonds or
 4158 | motor vehicle license revenue anticipation certificates issued
 4159 | under this amendment that ~~which~~ will mature and become due in
 4160 | such year, computed in the manner heretofore or hereafter
 4161 | provided by general law and approved by the state board.

4162 | (4) Such funds so distributed shall be administered by the
 4163 | state board as now created and constituted by Article IX,
 4164 | section 2, ~~of Article IX~~ of this ~~the State~~ constitution as
 4165 | ~~revised in 1968,~~ or by such other instrumentality of the state
 4166 | that ~~which~~ shall hereafter succeed by law to the powers, duties,
 4167 | and functions of the state board, including the powers, duties,
 4168 | and functions of the state board provided in this amendment. For
 4169 | the purposes of this amendment, said state board shall be a body
 4170 | corporate and shall have all the powers provided in this
 4171 | amendment in addition to all other constitutional and statutory
 4172 | powers related to the purposes of this amendment heretofore or
 4173 | hereafter conferred upon said state board.

4174 | (5) The state board shall, in addition to its other
 4175 | constitutional and statutory powers, have the management,
 4176 | control, and supervision of the proceeds of the first motor
 4177 | vehicle license revenues provided for in this subsection ~~(d)~~.
 4178 | The state board shall also have power, for the purpose of
 4179 | obtaining funds for the use of any school board of any school
 4180 | district or board of trustees of any community college district

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4181 | in acquiring, building, constructing, altering, remodeling,
 4182 | improving, enlarging, furnishing, equipping, maintaining,
 4183 | renovating, or repairing of capital outlay projects for school
 4184 | purposes to issue bonds or motor vehicle license revenue
 4185 | anticipation certificates, and also to issue such bonds or motor
 4186 | vehicle license revenue anticipation certificates to pay, fund,
 4187 | or refund any bonds or motor vehicle license revenue
 4188 | anticipation certificates theretofore issued by said state
 4189 | board. All such bonds or motor vehicle license revenue
 4190 | anticipation certificates shall bear interest at not exceeding
 4191 | the rate provided by general law and shall mature not later than
 4192 | thirty years after the date of issuance thereof. The state board
 4193 | shall have power to determine all other details of the bonds or
 4194 | motor vehicle license revenue anticipation certificates and to
 4195 | sell in the manner provided by general law, or exchange the
 4196 | bonds or motor vehicle license revenue anticipation
 4197 | certificates, upon such terms and conditions as the state board
 4198 | shall provide.

4199 | (6) The state board shall also have power to pledge for
 4200 | the payment of the principal of and interest on such bonds or
 4201 | motor vehicle license revenue anticipation certificates,
 4202 | including refunding bonds or refunding motor vehicle license
 4203 | revenue anticipation certificates, all or any part from the
 4204 | motor vehicle license revenues provided for in this amendment
 4205 | and to enter into any covenants and other agreements with the
 4206 | holders of such bonds or motor vehicle license revenue
 4207 | anticipation certificates at the time of the issuance thereof
 4208 | concerning the security thereof and the rights of the holders

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4209 | thereof, all of which covenants and agreements shall constitute
 4210 | legally binding and irrevocable contracts with such holders and
 4211 | shall be fully enforceable by such holders in any court of
 4212 | competent jurisdiction.

4213 | (7) No such bonds or motor vehicle license revenue
 4214 | anticipation certificates shall ever be issued by the state
 4215 | board, except to refund outstanding bonds or motor vehicle
 4216 | license revenue anticipation certificates, until after the
 4217 | adoption of a resolution requesting the issuance thereof by the
 4218 | school board of the school district or board of trustees of the
 4219 | community college district on behalf of which the obligations
 4220 | are to be issued. The state board of education shall limit the
 4221 | amount of such bonds or motor vehicle license revenue
 4222 | anticipation certificates that ~~which~~ can be issued on behalf of
 4223 | any school district or community college district to ninety
 4224 | percent ~~(90%)~~ of the amount that ~~which~~ it determines can be
 4225 | serviced by the revenue accruing to the school district or
 4226 | community college district under the provisions of this
 4227 | amendment, and shall determine the reasonable allocation of the
 4228 | interest savings from the issuance of refunding bonds or motor
 4229 | vehicle license revenue anticipation certificates, and such
 4230 | determinations shall be conclusive. All such bonds or motor
 4231 | vehicle license revenue anticipation certificates shall be
 4232 | issued in the name of the state board of education but shall be
 4233 | issued for and on behalf of the school board of the school
 4234 | district or board of trustees of the community college district
 4235 | requesting the issuance thereof, and no election or approval of
 4236 | qualified electors shall be required for the issuance thereof.

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4237 (8) The state board shall in each year use the funds
 4238 distributable pursuant to this amendment to the credit of each
 4239 school district or community college district only in the
 4240 following manner and in order of priority:

4241 a. To comply with the requirements of paragraph (d)(1)
 4242 ~~paragraph (1) of this subsection (d).~~

4243 b. To pay all amounts of principal and interest due in
 4244 such year on any bonds or motor vehicle license revenue
 4245 anticipation certificates issued under the authority hereof,
 4246 including refunding bonds or motor vehicle license revenue
 4247 anticipation certificates, issued on behalf of the school board
 4248 of such school district or board of trustees of such community
 4249 college district; subject, however, to any covenants or
 4250 agreements made by the state board concerning the rights between
 4251 holders of different issues of such bonds or motor vehicle
 4252 license revenue anticipation certificates, as herein authorized.

4253 c. To establish and maintain a sinking fund or funds to
 4254 meet future requirements for debt service or reserves therefor,
 4255 on bonds or motor vehicle license revenue anticipation
 4256 certificates issued on behalf of the school board of such school
 4257 district or board of trustees of such community college district
 4258 under the authority hereof, whenever the state board shall deem
 4259 it necessary or advisable, and in such amounts and under such
 4260 terms and conditions as the state board shall in its discretion
 4261 determine.

4262 d. To distribute annually to the several school boards of
 4263 the school districts or the boards of trustees of the community
 4264 college districts for use in payment of debt service on bonds

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4265 heretofore or hereafter issued by any such school boards of the
 4266 school districts or boards of trustees of the community college
 4267 districts where the proceeds of the bonds were used, or are to
 4268 be used, in the acquiring, building, constructing, altering,
 4269 remodeling, improving, enlarging, furnishing, equipping,
 4270 maintaining, renovating, or repairing of capital outlay projects
 4271 in such school districts or community college districts and
 4272 which capital outlay projects have been approved by the school
 4273 board of the school district or board of trustees of the
 4274 community college district, pursuant to the most recent survey
 4275 or surveys conducted under regulations prescribed by the state
 4276 board to determine the capital outlay needs of the school
 4277 district or community college district. The state board shall
 4278 have power at the time of issuance of any bonds by any school
 4279 board of any school district or board of trustees of any
 4280 community college district to covenant and agree with such
 4281 school board or board of trustees as to the rank and priority of
 4282 payments to be made for different issues of bonds under this
 4283 subparagraph ~~d~~, and may further agree that any amounts to be
 4284 distributed under this subparagraph ~~d~~ may be pledged for the
 4285 debt service on bonds issued by any school board of any school
 4286 district or board of trustees of any community college district
 4287 and for the rank and priority of such pledge. Any such covenants
 4288 or agreements of the state board may be enforced by any holders
 4289 of such bonds in any court of competent jurisdiction.

4290 e. To pay the expenses of the state board in administering
 4291 this subsection ~~(d)~~, which shall be prorated among the various
 4292 school districts and community college districts and paid out of

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4293 | the proceeds of the bonds or motor vehicle license revenue
 4294 | anticipation certificates or from the funds distributable to
 4295 | each school district and community college district on the same
 4296 | basis as such motor vehicle license revenues are distributable
 4297 | to the various school districts and community college districts.

4298 | f. To distribute annually to the several school boards of
 4299 | the school districts or boards of trustees of the community
 4300 | college districts for the payment of the cost of acquiring,
 4301 | building, constructing, altering, remodeling, improving,
 4302 | enlarging, furnishing, equipping, maintaining, renovating, or
 4303 | repairing of capital outlay projects for school purposes in such
 4304 | school district or community college district as shall be
 4305 | requested by resolution of the school board of the school
 4306 | district or board of trustees of the community college district.

4307 | g. When all major capital outlay needs of a school
 4308 | district or community college district have been met as
 4309 | determined by the state board, on the basis of a survey made
 4310 | pursuant to regulations of the state board and approved by the
 4311 | state board, all such funds remaining shall be distributed
 4312 | annually and used for such school purposes in such school
 4313 | district or community college district as the school board of
 4314 | the school district or board of trustees of the community
 4315 | college district shall determine, or as may be provided by
 4316 | general law.

4317 | (9) Capital outlay projects of a school district or
 4318 | community college district shall be eligible to participate in
 4319 | the funds accruing under this amendment and derived from the
 4320 | proceeds of bonds and motor vehicle license revenue anticipation

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4321 certificates and from the motor vehicle license revenues, only
 4322 in the order of priority of needs, as shown by a survey or
 4323 surveys conducted in the school district or community college
 4324 district under regulations prescribed by the state board, to
 4325 determine the capital outlay needs of the school district or
 4326 community college district and approved by the state board;
 4327 provided that the priority of such projects may be changed from
 4328 time to time upon the request of the school board of the school
 4329 district or board of trustees of the community college district
 4330 and with the approval of the state board; and provided, further,
 4331 that this paragraph ~~(9)~~ shall not in any manner affect any
 4332 covenant, agreement, or pledge made by the state board in the
 4333 issuance by said state board of any bonds or motor vehicle
 4334 license revenue anticipation certificates, or in connection with
 4335 the issuance of any bonds of any school board of any school
 4336 district or board of trustees of any community college district.

4337 (10) The state board shall have power to make and enforce
 4338 all rules and regulations necessary to the full exercise of the
 4339 powers herein granted and no legislation shall be required to
 4340 render this amendment of full force and operating effect. The
 4341 legislature shall not reduce the levies of said motor vehicle
 4342 license revenues during the life of this amendment to any degree
 4343 that ~~which~~ will fail to provide the full amount necessary to
 4344 comply with the provisions of this amendment and pay the
 4345 necessary expenses of administering the laws relating to the
 4346 licensing of motor vehicles, and shall not enact any law having
 4347 the effect of withdrawing the proceeds of such motor vehicle
 4348 license revenues from the operation of this amendment and shall

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4349 | not enact any law impairing or materially altering the rights of
 4350 | the holders of any bonds or motor vehicle license revenue
 4351 | anticipation certificates issued pursuant to this amendment or
 4352 | impairing or altering any covenant or agreement of the state
 4353 | board, as provided in such bonds or motor vehicle license
 4354 | revenue anticipation certificates.

4355 | (11) Bonds issued by the state board pursuant to this
 4356 | subsection ~~(d)~~ shall be payable primarily from said motor
 4357 | vehicle license revenues as provided herein, and if heretofore
 4358 | or hereafter authorized by law, may be additionally secured by
 4359 | pledging the full faith and credit of the state without an
 4360 | election. When heretofore or hereafter authorized by law, bonds
 4361 | issued pursuant to Article XII, section 18, of the constitution
 4362 | of 1885, as amended prior to 1968, and bonds issued pursuant to
 4363 | Article XII, section 7(d), ~~9, subsection (d)~~ of this the
 4364 | constitution ~~as revised in 1968~~, and bonds issued pursuant to
 4365 | this subsection ~~(d)~~, may be refunded by the issuance of bonds
 4366 | additionally secured by the full faith and credit of the state.

4367 | (e) DEBT LIMITATION.--Bonds issued pursuant to this
 4368 | section ~~9~~ of Article XII that ~~which~~ are payable primarily from
 4369 | revenues pledged pursuant to this section shall not be included
 4370 | in applying the limits upon the amount of state bonds contained
 4371 | in Section 11, Article VII, of this revision.

4372 | SECTION 8 ~~10~~. Preservation of constitutional provisions as
 4373 | statutes ~~Preservation of existing government~~.--

4374 | (a) The following provisions, as they existed on November
 4375 | 6, 2006, shall become statutes:

4376 | 1. Article I, section 26.

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4377 | 2. Article II, section 9.

4378 | 3. Article X, section 21.

4379 | 4. Article X, section 24.

4380 | 5. Article X, section 25.

4381 | 6. 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
 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.

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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~~7~~, 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
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

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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
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

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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
 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

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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
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

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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 X, SECTION 21

4523 | Limiting cruel and inhumane confinement of pigs during
4524 | pregnancy.--The provision that makes it unlawful to confine a
4525 | pig during pregnancy in such a way that the pig is prevented
4526 | from turning around freely.

4527 | ARTICLE X, SECTION 24

4528 | Florida minimum wage.--The provision that provides for a
4529 | state minimum wage in Florida.

4530 | ARTICLE X, SECTION 25

4531 | Patients' right to know about adverse medical
4532 | incidents.--The provision that delineates a patient's right to
4533 | know about adverse medical incidents.

4534 | ARTICLE X, SECTION 26

4535 | Prohibition of medical license after repeated medical
4536 | malpractice.--The provision that prohibits a person from having
4537 | a medical license after repeated medical malpractice.