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House Joint Resolution

A joint resolution proposing the revision of the whole State Constitution to correct spelling errors, punctuation errors, inconsistent use of capitalization, and other technical issues; to repeal obsolete provisions.

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

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

PREAMBLE

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

ARTICLE I

DECLARATION OF RIGHTS

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

SECTION 2. Basic rights.--All natural persons, female and

30 male alike, are equal before the law and have inalienable rights,
 31 among which are the right to enjoy and defend life and liberty,
 32 to pursue happiness, to be rewarded for industry, and to acquire,
 33 possess, and protect property; except that the ownership,
 34 inheritance, disposition, and possession of real property by
 35 aliens ineligible for citizenship may be regulated or prohibited
 36 by law. No person shall be deprived of any right because of
 37 race, religion, national origin, or physical disability.

38 SECTION 3. Religious freedom.--There shall be no law
 39 respecting the establishment of religion or prohibiting or
 40 penalizing the free exercise thereof. Religious freedom shall not
 41 justify practices inconsistent with public morals, peace, or
 42 safety. No revenue of the state or any political subdivision or
 43 agency thereof shall ever be taken from the public treasury
 44 directly or indirectly in aid of any church, sect, or religious
 45 denomination or in aid of any sectarian institution.

46 SECTION 4. Freedom of speech and press.--Every person may
 47 speak, write, and publish sentiments on all subjects but shall be
 48 responsible for the abuse of that right. No law shall be passed
 49 to restrain or abridge the liberty of speech or of the press. In
 50 all criminal prosecutions and civil actions for defamation, the
 51 truth may be given in evidence. If the matter charged as
 52 defamatory is true and was published with good motives, the party
 53 shall be acquitted or exonerated.

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

57 SECTION 6. Right to work.--The right of persons to work
 58 shall not be denied or abridged on account of membership or

59 nonmembership ~~non-membership~~ in any labor union or labor
60 organization. The right of employees, by and through a labor
61 organization, to bargain collectively shall not be denied or
62 abridged. Public employees shall not have the right to strike.

63 SECTION 7. Military power.--The military power shall be
64 subordinate to the civil.

65 SECTION 8. Right to bear arms.--

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

70 (b) There shall be a mandatory period of three days,
71 excluding weekends and legal holidays, between the purchase and
72 delivery at retail of any handgun. For the purposes of this
73 section, "purchase" means the transfer of money or other valuable
74 consideration to the retailer, and "handgun" means a firearm
75 capable of being carried and used by one hand, such as a pistol
76 or revolver. Holders of a concealed weapon permit as prescribed
77 in Florida law shall not be subject to the provisions of this
78 paragraph.

79 (c) The legislature shall enact legislation implementing
80 subsection (b) of this section, ~~effective no later than December~~
81 ~~31, 1991,~~ which shall provide that anyone violating the
82 provisions of subsection (b) shall be guilty of a felony.

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

85 SECTION 9. Due process.--No person shall be deprived of
86 life, liberty, or property without due process of law, or be
87 twice put in jeopardy for the same offense, or be compelled in

88 any criminal matter to be a witness against oneself.

89 SECTION 10. Prohibited laws.--No bill of attainder, ex post
90 facto law, or law impairing the obligation of contracts shall be
91 passed.

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

94 SECTION 12. Searches and seizures.--The right of the people
95 to be secure in their persons, houses, papers, and effects
96 against unreasonable searches and seizures, and against the
97 unreasonable interception of private communications by any means,
98 shall not be violated. No warrant shall be issued except upon
99 probable cause, supported by affidavit, particularly describing
100 the place or places to be searched; the person or persons,
101 thing, or things to be seized; the communication to be
102 intercepted; and the nature of evidence to be obtained. This
103 right shall be construed in conformity with the Fourth ~~4th~~
104 Amendment to the United States Constitution, as interpreted by
105 the United States Supreme Court. Articles or information
106 obtained in violation of this right shall not be admissible in
107 evidence if such articles or information would be inadmissible
108 under decisions of the United States Supreme Court construing the
109 Fourth ~~4th~~ Amendment to the United States Constitution.

110 SECTION 13. Habeas corpus.--The writ of habeas corpus shall
111 be grantable of right, freely and without cost. It shall be
112 returnable without delay, and shall never be suspended unless, in
113 case of rebellion or invasion, suspension is essential to the
114 public safety.

115 SECTION 14. Pretrial release and detention.--Unless charged
116 with a capital offense or an offense punishable by life

117 imprisonment and the proof of guilt is evident or the presumption
 118 is great, every person charged with a crime or violation of
 119 municipal or county ordinance shall be entitled to pretrial
 120 release on reasonable conditions. If no conditions of release
 121 can reasonably protect the community from risk of physical harm
 122 to persons, assure the presence of the accused at trial, or
 123 assure the integrity of the judicial process, the accused may be
 124 detained.

125 SECTION 15. Prosecution for crime; offenses committed by
 126 children.--

127 (a) No person shall be tried for capital crime without
 128 presentment or indictment by a grand jury, or for other felony
 129 without such presentment or indictment or an information under
 130 oath filed by the prosecuting officer of the court, except
 131 persons on active duty in the militia when tried by courts-
 132 martial ~~courts martial~~.

133 (b) When authorized by law, a child as therein defined may
 134 be charged with a violation of law as an act of delinquency
 135 instead of crime and tried without a jury or other requirements
 136 applicable to criminal cases. Any child so charged shall, upon
 137 demand made as provided by law before a trial in a juvenile
 138 proceeding, be tried in an appropriate court as an adult. A
 139 child found delinquent shall be disciplined as provided by law.

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

141 (a) In all criminal prosecutions the accused shall, upon
 142 demand, be informed of the nature and cause of the accusation,
 143 and shall be furnished a copy of the charges, and shall have the
 144 right to have compulsory process for witnesses, to confront at
 145 trial adverse witnesses, to be heard in person, by counsel or

146 both, and to have a speedy and public trial by impartial jury in
 147 the county where the crime was committed. If the county is not
 148 known, the indictment or information may charge venue in two or
 149 more counties conjunctively and proof that the crime was
 150 committed in that area shall be sufficient; but before pleading
 151 the accused may elect in which of those counties the trial will
 152 take place. Venue for prosecution of crimes committed beyond the
 153 boundaries of the state shall be fixed by law.

154 (b) Victims of crime or their lawful representatives,
 155 including the next of kin of homicide victims, are entitled to
 156 the right to be informed, to be present, and to be heard when
 157 relevant, at all crucial stages of criminal proceedings, to the
 158 extent that these rights do not interfere with the constitutional
 159 rights of the accused.

160 SECTION 17. Excessive punishments.--Excessive fines, cruel
 161 and unusual punishment, attainder, forfeiture of estate,
 162 indefinite imprisonment, and unreasonable detention of witnesses
 163 are forbidden. The death penalty is an authorized punishment for
 164 capital crimes designated by the legislature. The prohibition
 165 against cruel or unusual punishment, and the prohibition against
 166 cruel and unusual punishment, shall be construed in conformity
 167 with decisions of the United States Supreme Court which interpret
 168 the prohibition against cruel and unusual punishment provided in
 169 the Eighth Amendment to the United States Constitution. Any
 170 method of execution shall be allowed, unless prohibited by the
 171 United States Constitution. Methods of execution may be
 172 designated by the legislature, and a change in any method of
 173 execution may be applied retroactively. A sentence of death
 174 shall not be reduced on the basis that a method of execution is

175 | invalid. In any case in which an execution method is declared
 176 | invalid, the death sentence shall remain in force until the
 177 | sentence can be lawfully executed by any valid method. This
 178 | section shall apply retroactively.

179 | SECTION 18. Administrative penalties.--No administrative
 180 | agency, except the Department of Military Affairs in an
 181 | appropriately convened court-martial action as provided by law,
 182 | shall impose a sentence of imprisonment, nor shall it impose any
 183 | other penalty except as provided by law.

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

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

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

195 | SECTION 22. Trial by jury.--The right of trial by jury
 196 | shall be secure to all and remain inviolate. The qualifications
 197 | and the number of jurors, not fewer than six, shall be fixed by
 198 | law.

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

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

205 (a) Every person has the right to inspect or copy any
 206 public record made or received in connection with the official
 207 business of any public body, officer, or employee of the state,
 208 or persons acting on their behalf, except with respect to records
 209 exempted pursuant to this section or specifically made
 210 confidential by this Constitution. This section specifically
 211 includes the legislative, executive, and judicial branches of
 212 government and each agency or department created thereunder;
 213 counties, municipalities, and districts; and each constitutional
 214 officer, board, and commission, or entity created pursuant to law
 215 or this Constitution.

216 (b) All meetings of any collegial public body of the
 217 executive branch of state government or of any collegial public
 218 body of a county, municipality, school district, or special
 219 district, at which official acts are to be taken or at which
 220 public business of such body is to be transacted or discussed,
 221 shall be open and noticed to the public and meetings of the
 222 legislature shall be open and noticed as provided in Article III,
 223 Section 4(e), except with respect to meetings exempted pursuant
 224 to this section or specifically closed by this Constitution.

225 (c) This section shall be self-executing. The legislature,
 226 however, may provide by general law passed by a two-thirds vote
 227 of each house for the exemption of records from the requirements
 228 of subsection (a) and the exemption of meetings from the
 229 requirements of subsection (b), provided that such law shall
 230 state with specificity the public necessity justifying the
 231 exemption and shall be no broader than necessary to accomplish
 232 the stated purpose of the law. The legislature shall enact laws

233 governing the enforcement of this section, including the
 234 maintenance, control, destruction, disposal, and disposition of
 235 records made public by this section, except that each house of
 236 the legislature may adopt rules governing the enforcement of this
 237 section in relation to records of the legislative branch. Laws
 238 enacted pursuant to this subsection shall contain only exemptions
 239 from the requirements of subsection ~~subsections~~ (a) or subsection
 240 (b) and provisions governing the enforcement of this section, and
 241 shall relate to one subject.

242 (d) All laws that are in effect on July 1, 1993 that limit
 243 public access to records or meetings shall remain in force, and
 244 such laws apply to records of the legislative and judicial
 245 branches, until they are repealed. Rules of court that are in
 246 effect on the date of adoption of this section that limit access
 247 to records shall remain in effect until they are repealed.

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

254 SECTION 26. Claimant's right to fair compensation.--

255 ~~(a) Article I, Section 26 is created to read "Claimant's~~
 256 ~~right to fair compensation."~~ In any medical liability claim
 257 involving a contingency fee, the claimant is entitled to receive
 258 no less than 70 percent ~~70%~~ of the first \$250,000 ~~\$250,000.00~~ in
 259 all damages received by the claimant, exclusive of reasonable and
 260 customary costs, whether received by judgment, settlement, or
 261 otherwise, and regardless of the number of defendants. The

262 claimant is entitled to 90 percent ~~90%~~ of all damages in excess
 263 of \$250,000 ~~\$250,000.00~~, exclusive of reasonable and customary
 264 costs and regardless of the number of defendants. This provision
 265 is self-executing and does not require implementing legislation.

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

268 ARTICLE II

269 GENERAL PROVISIONS

270
 271 SECTION 1. State boundaries.--

272 (a) The state boundaries are: Begin at the mouth of the
 273 Perdido River, which for the purposes of this description is
 274 defined as the point where latitude 30°16'53" north and longitude
 275 87°31'06" west intersect; thence to the point where latitude
 276 30°17'02" north and longitude 87°31'06" west intersect; thence to
 277 the point where latitude 30°18'00" north and longitude 87°27'08"
 278 west intersect; thence to the point where the center line of the
 279 Intracoastal Canal (as the same existed on June 12, 1953) and
 280 longitude 87°27'00" west intersect; the same being in the middle
 281 of the Perdido River; thence up the middle of the Perdido River
 282 to the point where it intersects the south boundary of the State
 283 of Alabama, being also the point of intersection of the middle of
 284 the Perdido River with latitude 31°00'00" north; thence east,
 285 along the south boundary line of the State of Alabama, the same
 286 being latitude 31°00'00" north to the middle of the Chattahoochee
 287 River; thence down the middle of said river to its confluence
 288 with the Flint River; thence in a straight line to the head of
 289 the St. Marys River; thence down the middle of said river to the
 290 Atlantic Ocean; thence due east to the edge of the Gulf Stream or

291 a distance of three geographic miles whichever is the greater
 292 distance; thence in a southerly direction along the edge of the
 293 Gulf Stream or along a line three geographic miles from the
 294 Atlantic coastline and three leagues distant from the Gulf of
 295 Mexico coastline, whichever is greater, to and through the
 296 Straits of Florida and westerly, including the Florida reefs, to
 297 a point due south of and three leagues from the southernmost
 298 point of the Marquesas Keys; thence westerly along a straight
 299 line to a point due south of and three leagues from Loggerhead
 300 Key, the westernmost of the Dry Tortugas Islands; thence
 301 westerly, northerly and easterly along the arc of a curve three
 302 leagues distant from Loggerhead Key to a point due north of
 303 Loggerhead Key; thence northeast along a straight line to a point
 304 three leagues from the coastline of Florida; thence northerly and
 305 westerly three leagues distant from the coastline to a point west
 306 of the mouth of the Perdido River three leagues from the
 307 coastline as measured on a line bearing south 0°01'00" west from
 308 the point of beginning; thence northerly along said line to the
 309 point of beginning. The State of Florida shall also include any
 310 additional territory within the United States adjacent to the
 311 Peninsula of Florida lying south of the St. Marys River, east of
 312 the Perdido River, and south of the States of Alabama and
 313 Georgia.

314 (b) The coastal boundaries may be extended by statute to
 315 the limits permitted by the laws of the United States or
 316 international law.

317 SECTION 2. Seat of government.--The seat of government
 318 shall be the City of Tallahassee, in Leon County, where the
 319 offices of the governor, lieutenant governor, cabinet members,

320 and the supreme court shall be maintained and the sessions of the
 321 legislature shall be held; provided that, in time of invasion or
 322 grave emergency, the governor by proclamation may for the period
 323 of the emergency transfer the seat of government to another
 324 place.

325 SECTION 3. Branches of government.--The powers of the state
 326 government shall be divided into legislative, executive, and
 327 judicial branches. No person belonging to one branch shall
 328 exercise any powers appertaining to either of the other branches
 329 unless expressly provided herein.

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

332 SECTION 5. Public officers.--

333 (a) No person holding any office of emolument under any
 334 foreign government, or civil office of emolument under the United
 335 States or any other state, shall hold any office of honor or of
 336 emolument under the government of this state. No person shall
 337 hold at the same time more than one office under the government
 338 of the state and the counties and municipalities therein, except
 339 that a notary public or military officer may hold another office,
 340 and any officer may be a member of a constitution revision
 341 commission, taxation and budget reform commission, constitutional
 342 convention, or statutory body having only advisory powers.

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

346 "I do solemnly swear (or affirm) that I will support,
 347 protect, and defend the Constitution and Government of the United
 348 States and of the State of Florida; that I am duly qualified to

349 hold office under the Constitution of the state; and that I will
 350 well and faithfully perform the duties of (title of office) on
 351 which I am now about to enter. So help me God.",

352
 353 and thereafter shall devote personal attention to the duties of
 354 the office, and continue in office until a successor qualifies.

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

357 SECTION 6. Enemy attack.--In periods of emergency resulting
 358 from enemy attack the legislature shall have power to provide for
 359 prompt and temporary succession to the powers and duties of all
 360 public offices the incumbents of which may become unavailable to
 361 execute the functions of their offices, and to adopt such other
 362 measures as may be necessary and appropriate to ensure ~~insure~~ the
 363 continuity of governmental operations during the emergency. In
 364 exercising these powers, the legislature may depart from other
 365 requirements of this constitution, but only to the extent
 366 necessary to meet the emergency.

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

368 (a) It shall be the policy of the state to conserve and
 369 protect its natural resources and scenic beauty. Adequate
 370 provision shall be made by law for the abatement of air and water
 371 pollution and of excessive and unnecessary noise and for the
 372 conservation and protection of natural resources.

373 (b) Those in the Everglades Agricultural Area who cause
 374 water pollution within the Everglades Protection Area or the
 375 Everglades Agricultural Area shall be primarily responsible for
 376 paying the costs of the abatement of that pollution. For the
 377 purposes of this subsection, the terms "Everglades Protection

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

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

383 (a) All elected constitutional officers and candidates for
 384 such offices and, as may be determined by law, other public
 385 officers, candidates, and employees shall file full and public
 386 disclosure of their financial interests.

387 (b) All elected public officers and candidates for such
 388 offices shall file full and public disclosure of their campaign
 389 finances.

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

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

399 (e) No member of the legislature or statewide elected
 400 officer shall personally represent another person or entity for
 401 compensation before the government body or agency of which the
 402 individual was an officer or member for a period of two years
 403 following vacation of office. No member of the legislature shall
 404 personally represent another person or entity for compensation
 405 during term of office before any state agency other than judicial
 406 tribunals. Similar restrictions on other public officers and

407 employees may be established by law.

408 (f) There shall be an independent commission to conduct
 409 investigations and make public reports on all complaints
 410 concerning breach of public trust by public officers or employees
 411 not within the jurisdiction of the judicial qualifications
 412 commission.

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

416 (h) This section shall not be construed to limit
 417 disclosures and prohibitions which may be established by law to
 418 preserve the public trust and avoid conflicts between public
 419 duties and private interests.

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

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

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

429 b. A sworn statement which identifies each separate source
 430 and amount of income which exceeds \$1,000. The forms for such
 431 source disclosure and the rules under which they are to be filed
 432 shall be prescribed by the independent commission established in
 433 subsection (f), and such rules shall include disclosure of
 434 secondary sources of income.

435 (2) Persons holding statewide elective offices shall also

436 file disclosure of their financial interests pursuant to
437 subsection (i)(1).

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

440 SECTION 9. English is the official language of Florida.--

441 (a) English is the official language of the State of
442 Florida.

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

445 ARTICLE III

446 LEGISLATURE

447
448 SECTION 1. Composition.--The legislative power of the state
449 shall be vested in a legislature of the State of Florida,
450 consisting of a senate composed of one senator elected from each
451 senatorial district and a house of representatives composed of
452 one member elected from each representative district.

453 SECTION 2. Members; officers.--Each house shall be the sole
454 judge of the qualifications, elections, and returns of its
455 members, and shall biennially choose its officers, including a
456 permanent presiding officer selected from its membership, who
457 shall be designated in the senate as President of the Senate, and
458 in the house as Speaker of the House of Representatives. The
459 senate shall designate a Secretary to serve at its pleasure, and
460 the house of representatives shall designate a Clerk to serve at
461 its pleasure. The legislature shall appoint an auditor to serve
462 at its pleasure who shall audit public records and perform
463 related duties as prescribed by law or concurrent resolution.

464 SECTION 3. Sessions of the legislature.--

465 (a) ORGANIZATION SESSIONS. On the fourteenth day following
 466 each general election the legislature shall convene for the
 467 exclusive purpose of organization and selection of officers.

468 (b) REGULAR SESSIONS. A regular session of the legislature
 469 shall convene on the first Tuesday after the first Monday in
 470 March of each odd-numbered year, and on the first Tuesday after
 471 the first Monday in March, or such other date as may be fixed by
 472 law, of each even-numbered year.

473 (c) SPECIAL SESSIONS.

474 (1) The governor, by proclamation stating the purpose, may
 475 convene the legislature in special session during which only such
 476 legislative business may be transacted as is within the purview
 477 of the proclamation, or of a communication from the governor, or
 478 is introduced by consent of two-thirds of the membership of each
 479 house.

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

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

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

488 (e) ADJOURNMENT. Neither house shall adjourn for more than
 489 seventy-two consecutive hours except pursuant to concurrent
 490 resolution.

491 (f) ADJOURNMENT BY GOVERNOR. If, during any regular or
 492 special session, the two houses cannot agree upon a time for
 493 adjournment, the governor may adjourn the session sine die or to

494 any date within the period authorized for such session; provided
 495 that, at least twenty-four hours before adjourning the session,
 496 and while neither house is in recess, each house shall be given
 497 formal written notice of the governor's intention to do so, and
 498 agreement reached within that period by both houses on a time for
 499 adjournment shall prevail.

500 SECTION 4. Quorum and procedure.--

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

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

509 (c) Each house shall keep and publish a journal of its
 510 proceedings; and upon the request of five members present, the
 511 vote of each member voting on any question shall be entered on
 512 the journal. In any legislative committee or subcommittee, the
 513 vote of each member voting on the final passage of any
 514 legislation pending before the committee, and upon the request of
 515 any two members of the committee or subcommittee, the vote of
 516 each member on any other question, shall be recorded.

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

520 (e) The rules of procedure of each house shall provide that
 521 all legislative committee and subcommittee meetings of each
 522 house, and joint conference committee meetings, shall be open and

523 noticed to the public. The rules of procedure of each house
 524 shall further provide that all prearranged gatherings, between
 525 more than two members of the legislature, or between the
 526 governor, the president of the senate, or the speaker of the
 527 house of representatives, the purpose of which is to agree upon
 528 formal legislative action that will be taken at a subsequent
 529 time, or at which formal legislative action is taken, regarding
 530 pending legislation or amendments, shall be reasonably open to
 531 the public. All open meetings shall be subject to order and
 532 decorum. This section shall be implemented and defined by the
 533 rules of each house, and such rules shall control admission to
 534 the floor of each legislative chamber and may, where reasonably
 535 necessary for security purposes or to protect a witness appearing
 536 before a committee, provide for the closure of committee
 537 meetings. Each house shall be the sole judge for the
 538 interpretation, implementation, and enforcement of this section.

539 SECTION 5. Investigations; witnesses.--Each house, when in
 540 session, may compel attendance of witnesses and production of
 541 documents and other evidence upon any matter under investigation
 542 before it or any of its committees, and may punish by fine not
 543 exceeding one thousand dollars or imprisonment not exceeding
 544 ninety days, or both, any person not a member who has been guilty
 545 of disorderly or contemptuous conduct in its presence or has
 546 refused to obey its lawful summons or to answer lawful questions.

547 Such powers, except the power to punish, may be conferred by law
 548 upon committees when the legislature is not in session.

549 Punishment of contempt of an interim legislative committee shall
 550 be by judicial proceedings as prescribed by law.

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

552 and matter properly connected therewith, and the subject shall be
 553 briefly expressed in the title. No law shall be revised or
 554 amended by reference to its title only. Laws to revise or amend
 555 shall set out in full the revised or amended act, section,
 556 subsection, or paragraph of a subsection. The enacting clause of
 557 every law shall read: "Be It Enacted by the Legislature of the
 558 State of Florida: ."~~-~~

559 SECTION 7. Passage of bills.--Any bill may originate in
 560 either house and after passage in one may be amended in the
 561 other. It shall be read in each house on three separate days,
 562 unless this rule is waived by two-thirds vote; provided the
 563 publication of its title in the journal of a house shall satisfy
 564 the requirement for the first reading in that house. On each
 565 reading, it shall be read by title only, unless one-third of the
 566 members present desire it read in full. On final passage, the
 567 vote of each member voting shall be entered on the journal.
 568 Passage of a bill shall require a majority vote in each house.
 569 Each bill and joint resolution passed in both houses shall be
 570 signed by the presiding officers of the respective houses and by
 571 the secretary of the senate and the clerk of the house of
 572 representatives during the session or as soon as practicable
 573 after its adjournment sine die.

574 SECTION 8. Executive approval and veto.--

575 (a) Every bill passed by the legislature shall be presented
 576 to the governor for approval and shall become a law if the
 577 governor approves and signs it, or fails to veto it within seven
 578 consecutive days after presentation. If during that period or on
 579 the seventh day the legislature adjourns sine die or takes a
 580 recess of more than thirty days, the governor shall have fifteen

581 consecutive days from the date of presentation to act on the
 582 bill. In all cases except general appropriation bills, the veto
 583 shall extend to the entire bill. The governor may veto any
 584 specific appropriation in a general appropriation bill, but may
 585 not veto any qualification or restriction without also vetoing
 586 the appropriation to which it relates.

587 (b) When a bill or any specific appropriation of a general
 588 appropriation bill has been vetoed, the governor shall transmit
 589 signed objections thereto to the house in which the bill
 590 originated if in session. If that house is not in session, the
 591 governor shall file them with the custodian of state records, who
 592 shall lay them before that house at its next regular or special
 593 session, whichever occurs first, and they shall be entered on its
 594 journal. If the originating house votes to re-enact a vetoed
 595 measure, whether in a regular or special session, and the other
 596 house does not consider or fails to re-enact the vetoed measure,
 597 no further consideration by either house at any subsequent
 598 session may be taken. If a vetoed measure is presented at a
 599 special session and the originating house does not consider it,
 600 the measure will be available for consideration at any
 601 intervening special session and until the end of the next regular
 602 session.

603 (c) If each house shall, by a two-thirds vote, re-enact the
 604 bill or reinstate the vetoed specific appropriation of a general
 605 appropriation bill, the vote of each member voting shall be
 606 entered on the respective journals, and the bill shall become law
 607 or the specific appropriation reinstated, the veto
 608 notwithstanding.

609 SECTION 9. Effective date of laws.--Each law shall take

610 effect on the sixtieth day after adjournment sine die of the
 611 session of the legislature in which enacted or as otherwise
 612 provided therein. If the law is passed over the veto of the
 613 governor, it shall take effect on the sixtieth day after
 614 adjournment sine die of the session in which the veto is
 615 overridden, on a later date fixed in the law, or on a date fixed
 616 by resolution passed by both houses of the legislature.

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

623 SECTION 11. Prohibited special laws.--

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

626 (1) Election, jurisdiction, or duties of officers, except
 627 officers of municipalities, chartered counties, special
 628 districts, or local governmental agencies;

629 (2) Assessment or collection of taxes for state or county
 630 purposes, including extension of time therefor, relief of tax
 631 officers from due performance of their duties, and relief of
 632 their sureties from liability;

633 (3) Rules of evidence in any court;

634 (4) Punishment for crime;

635 (5) Petit juries, including compensation of jurors, except
 636 establishment of jury commissions;

637 (6) Change of civil or criminal venue;

638 (7) Conditions precedent to bringing any civil or criminal

639 proceedings, or limitations of time therefor;
 640 (8) Refund of money legally paid or remission of fines,
 641 penalties, or forfeitures;
 642 (9) Creation, enforcement, extension, or impairment of
 643 liens based on private contracts, or fixing of interest rates on
 644 private contracts;
 645 (10) Disposal of public property, including any interest
 646 therein, for private purposes;
 647 (11) Vacation of roads;
 648 (12) Private incorporation or grant of privilege to a
 649 private corporation;
 650 (13) Effectuation of invalid deeds, wills, or other
 651 instruments, or change in the law of descent;
 652 (14) Change of name of any person;
 653 (15) Divorce;
 654 (16) Legitimation or adoption of persons;
 655 (17) Relief of minors from legal disabilities;
 656 (18) Transfer of any property interest of persons under
 657 legal disabilities or of estates of decedents;
 658 (19) Hunting or freshwater ~~fresh-water~~ fishing;
 659 (20) Regulation of occupations which are regulated by a
 660 state agency; or
 661 (21) Any subject when prohibited by general law passed by a
 662 three-fifths vote of the membership of each house. Such law may
 663 be amended or repealed by like vote.
 664 (b) In the enactment of general laws on other subjects,
 665 political subdivisions or other governmental entities may be
 666 classified only on a basis reasonably related to the subject of
 667 the law.

668 SECTION 12. Appropriation bills.--Laws making
 669 appropriations for salaries of public officers and other current
 670 expenses of the state shall contain provisions on no other
 671 subject.

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

674 SECTION 14. Civil service system.--By law there shall be
 675 created a civil service system for state employees, except those
 676 expressly exempted, and there may be created civil service
 677 systems and boards for county, district, or municipal employees
 678 and for such offices thereof as are not elected or appointed by
 679 the governor, and there may be authorized such boards as are
 680 necessary to prescribe the qualifications, method of selection, and
 681 and tenure of such employees and officers.

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

683 (a) SENATORS. Senators shall be elected for terms of four
 684 years, those from odd-numbered districts in the years the numbers
 685 of which are multiples of four and those from even-numbered
 686 districts in even-numbered years the numbers of which are not
 687 multiples of four; except, at the election next following a
 688 reapportionment, some senators shall be elected for terms of two
 689 years when necessary to maintain staggered terms.

690 (b) REPRESENTATIVES. Members of the house of
 691 representatives shall be elected for terms of two years in each
 692 even-numbered year.

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

697 (d) ASSUMING OFFICE; VACANCIES. Members of the legislature
 698 shall take office upon election. Vacancies in a legislative
 699 office shall be filled only by election as provided by law.

700 SECTION 16. Legislative apportionment.--

701 (a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The
 702 legislature at its regular session in the second year following
 703 each decennial census, by joint resolution, shall apportion the
 704 state in accordance with the constitution of the state and of the
 705 United States into not less than thirty nor more than forty
 706 consecutively numbered senatorial districts of either contiguous,
 707 overlapping, or identical territory, and into not less than
 708 eighty nor more than one hundred twenty consecutively numbered
 709 representative districts of either contiguous, overlapping, or
 710 identical territory. Should that session adjourn without
 711 adopting such joint resolution, the governor by proclamation
 712 shall reconvene the legislature within thirty days in special
 713 apportionment session which shall not exceed thirty consecutive
 714 days, during which no other business shall be transacted, and it
 715 shall be the mandatory duty of the legislature to adopt a joint
 716 resolution of apportionment.

717 (b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL
 718 REAPPORTIONMENT. In the event a special apportionment session of
 719 the legislature finally adjourns without adopting a joint
 720 resolution of apportionment, the attorney general shall, within
 721 five days, petition the supreme court of the state to make such
 722 apportionment. No later than the sixtieth day after the filing
 723 of such petition, the supreme court shall file with the custodian
 724 of state records an order making such apportionment.

725 (c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen days

726 after the passage of the joint resolution of apportionment, the
 727 attorney general shall petition the supreme court of the state
 728 for a declaratory judgment determining the validity of the
 729 apportionment. The supreme court, in accordance with its rules,
 730 shall permit adversary interests to present their views and,
 731 within thirty days from the filing of the petition, shall enter
 732 its judgment.

733 (d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY
 734 APPORTIONMENT SESSION. A judgment of the supreme court of the
 735 state determining the apportionment to be valid shall be binding
 736 upon all the citizens of the state. Should the supreme court
 737 determine that the apportionment made by the legislature is
 738 invalid, the governor by proclamation shall reconvene the
 739 legislature within five days thereafter in an extraordinary
 740 apportionment session which shall not exceed fifteen days, during
 741 which the legislature shall adopt a joint resolution of
 742 apportionment conforming to the judgment of the supreme court.

743 (e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF
 744 APPORTIONMENT. Within fifteen days after the adjournment of an
 745 extraordinary apportionment session, the attorney general shall
 746 file a petition in the supreme court of the state setting forth
 747 the apportionment resolution adopted by the legislature, or if
 748 none has been adopted reporting that fact to the court.
 749 Consideration of the validity of a joint resolution of
 750 apportionment shall be had as provided for in cases of such joint
 751 resolution adopted at a regular or special apportionment session.

752 (f) JUDICIAL REAPPORTIONMENT. Should an extraordinary
 753 apportionment session fail to adopt a resolution of apportionment
 754 or should the supreme court determine that the apportionment made

755 is invalid, the court shall, not later than sixty days after
 756 receiving the petition of the attorney general, file with the
 757 custodian of state records an order making such apportionment.

758 SECTION 17. Impeachment.--

759 (a) The governor, lieutenant governor, members of the
 760 cabinet, justices of the supreme court, judges of district courts
 761 of appeal, judges of circuit courts, and judges of county courts
 762 shall be liable to impeachment for misdemeanor in office. The
 763 house of representatives by two-thirds vote shall have the power
 764 to impeach an officer. The speaker of the house of
 765 representatives shall have power at any time to appoint a
 766 committee to investigate charges against any officer subject to
 767 impeachment.

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

772 (c) All impeachments by the house of representatives shall
 773 be tried by the senate. The chief justice of the supreme court,
 774 or another justice designated by the chief justice, shall preside
 775 at the trial, except in a trial of the chief justice, in which
 776 case the governor shall preside. The senate shall determine the
 777 time for the trial of any impeachment and may sit for the trial
 778 whether the house of representatives be in session or not. The
 779 time fixed for trial shall not be more than six months after the
 780 impeachment. During an impeachment trial senators shall be upon
 781 their oath or affirmation. No officer shall be convicted without
 782 the concurrence of two-thirds of the members of the senate
 783 present. Judgment of conviction in cases of impeachment shall

784 remove the offender from office and, in the discretion of the
 785 senate, may include disqualification to hold any office of honor,
 786 trust, or profit. Conviction or acquittal shall not affect the
 787 civil or criminal responsibility of the officer.

788 SECTION 18. Conflict of Interest.--A code of ethics for all
 789 state employees and nonjudicial officers prohibiting conflict
 790 between public duty and private interests shall be prescribed by
 791 law.

792 SECTION 19. State Budgeting, Planning and Appropriations
 793 Processes.--

794 (a) ANNUAL BUDGETING. ~~Effective July 1, 1994,~~ General law
 795 shall prescribe the adoption of annual state budgetary and
 796 planning processes and require that detail reflecting the
 797 annualized costs of the state budget and reflecting the
 798 nonrecurring costs of the budget requests shall accompany state
 799 department and agency legislative budget requests, the governor's
 800 recommended budget, and appropriation bills. For purposes of
 801 this subsection, the terms "department" and "agency" shall
 802 include the judicial branch.

803 (b) APPROPRIATION BILLS FORMAT. Separate sections within
 804 the general appropriation bill shall be used for each major
 805 program area of the state budget; major program areas shall
 806 include: education enhancement "lottery" trust fund items;
 807 education (all other funds); human services; criminal justice and
 808 corrections; natural resources, environment, growth management,
 809 and transportation; general government; and judicial branch.
 810 Each major program area shall include an itemization of
 811 expenditures for: state operations; state capital outlay; aid to
 812 local governments and nonprofit organizations operations; aid to

813 local governments and nonprofit organizations capital outlay;
 814 federal funds and the associated state matching funds; spending
 815 authorizations for operations; and spending authorizations for
 816 capital outlay. Additionally, appropriation bills passed by the
 817 legislature shall include an itemization of specific
 818 appropriations that exceed one million dollars (\$1,000,000.00) in
 819 1992 dollars. For purposes of this subsection, "specific
 820 appropriation," "itemization," and "major program area" shall be
 821 defined by law. This itemization threshold shall be adjusted by
 822 general law every four years to reflect the rate of inflation or
 823 deflation as indicated in the Consumer Price Index for All Urban
 824 Consumers, U.S. City Average, All Items, or successor reports as
 825 reported by the United States Department of Labor, Bureau of
 826 Labor Statistics or its successor. Substantive bills containing
 827 appropriations shall also be subject to the itemization
 828 requirement mandated under this provision and shall be subject to
 829 the governor's specific appropriation veto power described in
 830 Article III, Section 8. ~~This subsection shall be effective July~~
 831 ~~1, 1994.~~

832 (c) APPROPRIATIONS REVIEW PROCESS. ~~Effective July 1, 1993,~~
 833 General law shall prescribe requirements for each department and
 834 agency of state government to submit a planning document and
 835 supporting budget request for review by the appropriations
 836 committees of both houses of the legislature. The review shall
 837 include a comparison of the major issues in the planning document
 838 and budget requests to those major issues included in the
 839 governor's recommended budget. For purposes of this subsection,
 840 the terms department and agency shall include the judicial
 841 branch.

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

848 (e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A
 849 final budget report shall be prepared as prescribed by general
 850 law. The final budget report shall be produced no later than the
 851 90th day after the beginning of the fiscal year, and copies of
 852 the report shall be furnished to each member of the legislature,
 853 the head of each department and agency of the state, the auditor
 854 general, and the chief justice of the supreme court.

855 (f) TRUST FUNDS.

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

860 (2) State trust funds in existence before the effective
 861 date of this subsection shall terminate not more than four years
 862 after the effective date of this subsection. State trust funds
 863 created after the effective date of this subsection shall
 864 terminate not more than four years after the effective date of
 865 the act authorizing the creation of the trust fund. By law the
 866 legislature may set a shorter time period for which any trust
 867 fund is authorized.

868 (3) Trust funds required by federal programs or mandates;
 869 trust funds established for bond covenants, indentures, or
 870 resolutions, whose revenues are legally pledged by the state or

871 public body to meet debt service or other financial requirements
 872 of any debt obligations of the state or any public body; the
 873 state transportation trust fund; the trust fund containing the
 874 net annual proceeds from the Florida Education Lotteries; the
 875 Florida retirement trust fund; trust funds for institutions under
 876 the management of the Board of Regents, where such trust funds
 877 are for auxiliary enterprises and contracts, grants, and
 878 donations, as those terms are defined by general law; trust funds
 879 that serve as clearing funds or accounts for the chief financial
 880 officer or state agencies; trust funds that account for assets
 881 held by the state in a trustee capacity as an agent or fiduciary
 882 for individuals, private organizations, or other governmental
 883 units; and other trust funds authorized by this Constitution, are
 884 not subject to the requirements set forth in paragraph (2) of
 885 this subsection.

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

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

891 (g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994~~
 892 ~~1995 fiscal year, at least 1% of an amount equal to the last~~
 893 ~~completed fiscal year's net revenue collections for the general~~
 894 ~~revenue fund shall be retained in a budget stabilization fund.~~
 895 ~~The budget stabilization fund shall be increased to at least 2%~~
 896 ~~of said amount for the 1995-1996 fiscal year, at least 3% of said~~
 897 ~~amount for the 1996-1997 fiscal year, at least 4% of said amount~~
 898 ~~for the 1997-1998 fiscal year, and at least 5% of said amount for~~
 899 ~~the 1998-1999 fiscal year.~~ Subject to the provisions of this

900 subsection, the budget stabilization fund shall be maintained at
 901 an amount equal to at least five percent ~~5%~~ of the last completed
 902 fiscal year's net revenue collections for the general revenue
 903 fund. The budget stabilization fund's principal balance shall
 904 not exceed an amount equal to ten percent ~~10%~~ of the last
 905 completed fiscal year's net revenue collections for the general
 906 revenue fund. The legislature shall provide criteria for
 907 withdrawing funds from the budget stabilization fund in a
 908 separate bill for that purpose only and only for the purpose of
 909 covering revenue shortfalls of the general revenue fund or for
 910 the purpose of providing funding for an emergency, as defined by
 911 general law. General law shall provide for the restoration of
 912 this fund. The budget stabilization fund shall be comprised of
 913 funds not otherwise obligated or committed for any purpose.

914 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
 915 PLANNING DOCUMENT PROCESSES. The governor shall recommend to the
 916 legislature biennially any revisions to the state planning
 917 document, as defined by law. General law shall require a biennial
 918 review and revision of the state planning document, shall require
 919 the governor to report to the legislature on the progress in
 920 achieving the state planning document's goals, and shall require
 921 all departments and agencies of state government to develop
 922 planning documents consistent with the state planning document.
 923 The state planning document and department and agency planning
 924 documents shall remain subject to review and revision by the
 925 legislature. The department and agency planning documents shall
 926 include a prioritized listing of planned expenditures for review
 927 and possible reduction in the event of revenue shortfalls, as
 928 defined by general law. To ensure productivity and efficiency in

929 the executive, legislative, and judicial branches, a quality
 930 management and accountability program shall be implemented by
 931 general law. For the purposes of this subsection, the terms
 932 "department" and "agency" shall include the judicial branch. ~~This~~
 933 ~~subsection shall be effective July 1, 1993.~~

934 ARTICLE IV

935 EXECUTIVE

936
 937 SECTION 1. Governor.--

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

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

953 (c) The governor may request in writing the opinion of the
 954 justices of the supreme court as to the interpretation of any
 955 portion of this constitution upon any question affecting the
 956 governor's executive powers and duties. The justices shall,
 957 subject to their rules of procedure, permit interested persons to

958 be heard on the questions presented and shall render their
 959 written opinion not earlier than ten days from the filing and
 960 docketing of the request, unless in their judgment the delay
 961 would cause public injury.

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

965 (e) The governor shall by message at least once in each
 966 regular session inform the legislature concerning the condition
 967 of the state, propose such reorganization of the executive
 968 department as will promote efficiency and economy, and recommend
 969 measures in the public interest.

970 (f) When not otherwise provided for in this constitution,
 971 the governor shall fill by appointment any vacancy in a state or
 972 county office for the remainder of the term of an appointive
 973 office, and for the remainder of the term of an elective office
 974 if less than twenty-eight months, otherwise until the first
 975 Tuesday after the first Monday following the next general
 976 election.

977 SECTION 2. Lieutenant governor.--There shall be a
 978 lieutenant governor, who shall perform such duties pertaining to
 979 the office of governor as shall be assigned by the governor,
 980 except when otherwise provided by law, and such other duties as
 981 may be prescribed by law.

982 SECTION 3. Succession to office of governor; acting
 983 governor.--

984 (a) Upon vacancy in the office of governor, the lieutenant
 985 governor shall become governor. Further succession to the office
 986 of governor shall be prescribed by law. A successor shall serve

987 for the remainder of the term.
 988 (b) Upon impeachment of the governor and until completion
 989 of trial thereof, or during the governor's physical or mental
 990 incapacity, the lieutenant governor shall act as governor.
 991 Further succession as acting governor shall be prescribed by law.
 992 Incapacity to serve as governor may be determined by the supreme
 993 court upon due notice after docketing of a written suggestion
 994 thereof by three cabinet members, and in such case restoration of
 995 capacity shall be similarly determined after docketing of written
 996 suggestion thereof by the governor, the legislature, or three
 997 cabinet members. Incapacity to serve as governor may also be
 998 established by certificate filed with the custodian of state
 999 records by the governor declaring incapacity for physical reasons
 1000 to serve as governor, and in such case restoration of capacity
 1001 shall be similarly established.

1002 SECTION 4. Cabinet.--

1003 (a) There shall be a cabinet composed of an attorney
 1004 general, a chief financial officer, and a commissioner of
 1005 agriculture. In addition to the powers and duties specified
 1006 herein, they shall exercise such powers and perform such duties
 1007 as may be prescribed by law. In the event of a tie vote of the
 1008 governor and cabinet, the side on which the governor voted shall
 1009 be deemed to prevail.

1010 (b) The attorney general shall be the chief state legal
 1011 officer. There is created in the office of the attorney general
 1012 the position of statewide prosecutor. The statewide prosecutor
 1013 shall have concurrent jurisdiction with the state attorneys to
 1014 prosecute violations of criminal laws occurring or having
 1015 occurred, in two or more judicial circuits as part of a related

1016 transaction, or when any such offense is affecting or has
 1017 affected two or more judicial circuits as provided by general
 1018 law. The statewide prosecutor shall be appointed by the attorney
 1019 general from not less than three persons nominated by the
 1020 judicial nominating commission for the supreme court, or as
 1021 otherwise provided by general law.

1022 (c) The chief financial officer shall serve as the chief
 1023 fiscal officer of the state, and shall settle and approve
 1024 accounts against the state, and shall keep all state funds and
 1025 securities.

1026 (d) The commissioner of agriculture shall have supervision
 1027 of matters pertaining to agriculture except as otherwise provided
 1028 by law.

1029 (e) The governor as chair, the chief financial officer, and
 1030 the attorney general shall constitute the state board of
 1031 administration, which shall succeed to all the power, control,
 1032 and authority of the state board of administration established
 1033 pursuant to Article IX, Section 16 of the Constitution of 1885,
 1034 and which shall continue as a body at least for the life of
 1035 Article XII, Section 9(c).

1036 (f) The governor as chair, the chief financial officer, the
 1037 attorney general, and the commissioner of agriculture shall
 1038 constitute the trustees of the internal improvement trust fund
 1039 and the land acquisition trust fund as provided by law.

1040 (g) The governor as chair, the chief financial officer, the
 1041 attorney general, and the commissioner of agriculture shall
 1042 constitute the agency head of the Department of Law Enforcement.

1043 SECTION 5. Election of governor, lieutenant governor, and
 1044 cabinet members; qualifications; terms.--

1045 (a) At a state-wide general election in each calendar year
 1046 the number of which is even but not a multiple of four, the
 1047 electors shall choose a governor and a lieutenant governor and
 1048 members of the cabinet each for a term of four years beginning on
 1049 the first Tuesday after the first Monday in January of the
 1050 succeeding year. In primary elections, candidates for the office
 1051 of governor may choose to run without a lieutenant governor
 1052 candidate. In the general election, all candidates for the
 1053 offices of governor and lieutenant governor shall form joint
 1054 candidacies in a manner prescribed by law so that each voter
 1055 shall cast a single vote for a candidate for governor and a
 1056 candidate for lieutenant governor running together.

1057 (b) When elected, the governor, lieutenant governor, and
 1058 each cabinet member must be an elector not less than thirty years
 1059 of age who has resided in the state for the preceding seven
 1060 years. The attorney general must have been a member of the bar
 1061 of Florida for the preceding five years. No person who has, or
 1062 but for resignation would have, served as governor or acting
 1063 governor for more than six years in two consecutive terms shall
 1064 be elected governor for the succeeding term.

1065 SECTION 6. Executive departments.--All functions of the
 1066 executive branch of state government shall be allotted among not
 1067 more than twenty-five departments, exclusive of those
 1068 specifically provided for or authorized in this constitution.
 1069 The administration of each department, unless otherwise provided
 1070 in this constitution, shall be placed by law under the direct
 1071 supervision of the governor, the lieutenant governor, the
 1072 governor and cabinet, a cabinet member, or an officer or board
 1073 appointed by and serving at the pleasure of the governor, except:

1074 (a) When provided by law, confirmation by the senate or the
 1075 approval of three members of the cabinet shall be required for
 1076 appointment to or removal from any designated statutory office.

1077 (b) Boards authorized to grant and revoke licenses to
 1078 engage in regulated occupations shall be assigned to appropriate
 1079 departments and their members appointed for fixed terms, subject
 1080 to removal only for cause.

1081 SECTION 7. Suspensions; filling office during suspensions.-
 1082 -

1083 (a) By executive order stating the grounds and filed with
 1084 the custodian of state records, the governor may suspend from
 1085 office any state officer not subject to impeachment, any officer
 1086 of the militia not in the active service of the United States, or
 1087 any county officer, for malfeasance, misfeasance, neglect of
 1088 duty, drunkenness, incompetence, permanent inability to perform
 1089 official duties, or commission of a felony, and may fill the
 1090 office by appointment for the period of suspension. The
 1091 suspended officer may at any time before removal be reinstated by
 1092 the governor.

1093 (b) The senate may, in proceedings prescribed by law,
 1094 remove from office or reinstate the suspended official and for
 1095 such purpose the senate may be convened in special session by its
 1096 president or by a majority of its membership.

1097 (c) By order of the governor, any elected municipal officer
 1098 indicted for a crime may be suspended from office until acquitted
 1099 and the office filled by appointment for the period of
 1100 suspension, not to extend beyond the term, unless these powers
 1101 are vested elsewhere by law or the municipal charter.

1102 SECTION 8. Clemency.--

1103 (a) Except in cases of treason and in cases where
 1104 impeachment results in conviction, the governor may, by executive
 1105 order filed with the custodian of state records, suspend
 1106 collection of fines and forfeitures, grant reprieves not
 1107 exceeding sixty days and, with the approval of two members of the
 1108 cabinet, grant full or conditional pardons, restore civil rights,
 1109 commute punishment, and remit fines and forfeitures for offenses.

1110 (b) In cases of treason, the governor may grant reprieves
 1111 until adjournment of the regular session of the legislature
 1112 convening next after the conviction, at which session the
 1113 legislature may grant a pardon or further reprieve; otherwise the
 1114 sentence shall be executed.

1115 (c) There may be created by law a parole and probation
 1116 commission with power to supervise persons on probation and to
 1117 grant paroles or conditional releases to persons under sentences
 1118 for crime. The qualifications, method of selection and terms,
 1119 not to exceed six years, of members of the commission shall be
 1120 prescribed by law.

1121 SECTION 9. Fish and wildlife conservation commission.--
 1122 There shall be a fish and wildlife conservation commission,
 1123 composed of seven members appointed by the governor, subject to
 1124 confirmation by the senate for staggered terms of five years. The
 1125 commission shall exercise the regulatory and executive powers of
 1126 the state with respect to wild animal life and freshwater ~~fresh~~
 1127 ~~water~~ aquatic life, and shall also exercise regulatory and
 1128 executive powers of the state with respect to marine life, except
 1129 that all license fees for taking wild animal life, freshwater
 1130 ~~fresh-water~~ aquatic life, and marine life and penalties for
 1131 violating regulations of the commission shall be prescribed by

1132 general law. The commission shall establish procedures to ensure
 1133 adequate due process in the exercise of its regulatory and
 1134 executive functions. The legislature may enact laws in aid of the
 1135 commission, not inconsistent with this section, except that there
 1136 shall be no special law or general law of local application
 1137 pertaining to hunting or fishing. The commission's exercise of
 1138 executive powers in the area of planning, budgeting, personnel
 1139 management, and purchasing shall be as provided by law. Revenue
 1140 derived from license fees for the taking of wild animal life and
 1141 freshwater ~~fresh-water~~ aquatic life shall be appropriated to the
 1142 commission by the legislature for the purposes of management,
 1143 protection, and conservation of wild animal life and freshwater
 1144 ~~fresh-water~~ aquatic life. Revenue derived from license fees
 1145 relating to marine life shall be appropriated by the legislature
 1146 for the purposes of management, protection, and conservation of
 1147 marine life as provided by law. The commission shall not be a
 1148 unit of any other state agency and shall have its own staff,
 1149 which includes management, research, and enforcement. Unless
 1150 provided by general law, the commission shall have no authority
 1151 to regulate matters relating to air and water pollution.

1152 SECTION 10. Attorney General.--The attorney general shall,
 1153 as directed by general law, request the opinion of the justices
 1154 of the supreme court as to the validity of any initiative
 1155 petition circulated pursuant to Section 3 of Article XI. The
 1156 justices shall, subject to their rules of procedure, permit
 1157 interested persons to be heard on the questions presented and
 1158 shall render their written opinion no later than April 1 of the
 1159 year in which the initiative is to be submitted to the voters
 1160 pursuant to Section 5 of Article XI.

1161 SECTION 11. Department of Veterans Affairs.--The
 1162 legislature, by general law, may provide for the establishment of
 1163 the Department of Veterans Affairs.

1164 SECTION 12. Department of Elderly Affairs.--The legislature
 1165 may create a Department of Elderly Affairs and prescribe its
 1166 duties. The provisions governing the administration of the
 1167 department must comply with Section 6 of Article IV of the State
 1168 Constitution.

1169 SECTION 13. Revenue Shortfalls.--In the event of revenue
 1170 shortfalls, as defined by general law, the governor and cabinet
 1171 may establish all necessary reductions in the state budget in
 1172 order to comply with the provisions of Article VII, Section 1(d).
 1173 The governor and cabinet shall implement all necessary
 1174 reductions for the executive budget, the chief justice of the
 1175 supreme court shall implement all necessary reductions for the
 1176 judicial budget, and the speaker of the house of representatives
 1177 and the president of the senate shall implement all necessary
 1178 reductions for the legislative budget. Budget reductions pursuant
 1179 to this section shall be consistent with the provisions of
 1180 Article III, Section 19(h).

1181 ARTICLE V

1182 JUDICIARY

1183
 1184 SECTION 1. Courts.--The judicial power shall be vested in a
 1185 supreme court, district courts of appeal, circuit courts, and
 1186 county courts. No other courts may be established by the state,
 1187 any political subdivision, or any municipality. The legislature
 1188 shall, by general law, divide the state into appellate court
 1189 districts and judicial circuits following county lines.

1190 Commissions established by law, or administrative officers or
 1191 bodies, may be granted quasi-judicial power in matters connected
 1192 with the functions of their offices. The legislature may
 1193 establish, by general law, a civil traffic hearing officer system
 1194 for the purpose of hearing civil traffic infractions. The
 1195 legislature may, by general law, authorize a military court-
 1196 martial to be conducted by military judges of the Florida
 1197 National Guard, with direct appeal of a decision to the District
 1198 Court of Appeal, First District.

1199 SECTION 2. Administration; practice and procedure.--

1200 (a) The supreme court shall adopt rules for the practice
 1201 and procedure in all courts including the time for seeking
 1202 appellate review, the administrative supervision of all courts,
 1203 the transfer to the court having jurisdiction of any proceeding
 1204 when the jurisdiction of another court has been improvidently
 1205 invoked, and a requirement that no cause shall be dismissed
 1206 because an improper remedy has been sought. The supreme court
 1207 shall adopt rules to allow the court and the district courts of
 1208 appeal to submit questions relating to military law to the
 1209 federal Court of Appeals for the Armed Forces for an advisory
 1210 opinion. Rules of court may be repealed by general law enacted
 1211 by two-thirds vote of the membership of each house of the
 1212 legislature.

1213 (b) The chief justice of the supreme court shall be chosen
 1214 by a majority of the members of the court; shall be the chief
 1215 administrative officer of the judicial system; and shall have the
 1216 power to assign justices or judges, including consenting retired
 1217 justices or judges, to temporary duty in any court for which the
 1218 judge is qualified and to delegate to a chief judge of a judicial

1219 circuit the power to assign judges for duty in that circuit.

1220 (c) A chief judge for each district court of appeal shall
 1221 be chosen by a majority of the judges thereof or, if there is no
 1222 majority, by the chief justice. The chief judge shall be
 1223 responsible for the administrative supervision of the court.

1224 (d) A chief judge in each circuit shall be chosen from
 1225 among the circuit judges as provided by supreme court rule. The
 1226 chief judge shall be responsible for the administrative
 1227 supervision of the circuit courts and county courts in his or her
 1228 circuit.

1229 SECTION 3. Supreme court.--

1230 (a) ORGANIZATION.--The supreme court shall consist of seven
 1231 justices. Of the seven justices, each appellate district shall
 1232 have at least one justice elected or appointed from the district
 1233 to the supreme court who is a resident of the district at the
 1234 time of the original appointment or election. Five justices
 1235 shall constitute a quorum. The concurrence of four justices
 1236 shall be necessary to a decision. When recusals for cause would
 1237 prohibit the court from convening because of the requirements of
 1238 this section, judges assigned to temporary duty may be
 1239 substituted for justices.

1240 (b) JURISDICTION.--The supreme court:

1241 (1) Shall hear appeals from final judgments of trial courts
 1242 imposing the death penalty and from decisions of district courts
 1243 of appeal declaring invalid a state statute or a provision of the
 1244 state constitution.

1245 (2) When provided by general law, shall hear appeals from
 1246 final judgments entered in proceedings for the validation of
 1247 bonds or certificates of indebtedness and shall review action of

1248 statewide agencies relating to rates or service of utilities
 1249 providing electric, gas, or telephone service.

1250 (3) May review any decision of a district court of appeal
 1251 that expressly declares valid a state statute, or that expressly
 1252 construes a provision of the state or federal constitution, or
 1253 that expressly affects a class of constitutional or state
 1254 officers, or that expressly and directly conflicts with a
 1255 decision of another district court of appeal or of the supreme
 1256 court on the same question of law.

1257 (4) May review any decision of a district court of appeal
 1258 that passes upon a question certified by it to be of great public
 1259 importance, or that is certified by it to be in direct conflict
 1260 with a decision of another district court of appeal.

1261 (5) May review any order or judgment of a trial court
 1262 certified by the district court of appeal, in which an appeal is
 1263 pending, to be of great public importance, or to have a great
 1264 effect on the proper administration of justice throughout the
 1265 state, and certified to require immediate resolution by the
 1266 supreme court.

1267 (6) May review a question of law certified by the Supreme
 1268 Court of the United States or a United States Court of Appeals
 1269 which is determinative of the cause and for which there is no
 1270 controlling precedent of the supreme court of Florida.

1271 (7) May issue writs of prohibition to courts and all writs
 1272 necessary to the complete exercise of its jurisdiction.

1273 (8) May issue writs of mandamus and quo warranto to state
 1274 officers and state agencies.

1275 (9) May, or any justice may, issue writs of habeas corpus
 1276 returnable before the supreme court or any justice, a district

1277 court of appeal or any judge thereof, or any circuit judge.

1278 (10) Shall, when requested by the attorney general pursuant
1279 to the provisions of Section 10 of Article IV, render an advisory
1280 opinion of the justices, addressing issues as provided by general
1281 law.

1282 (c) CLERK AND MARSHAL.--The supreme court shall appoint a
1283 clerk and a marshal who shall hold office at ~~during~~ the pleasure
1284 of the court and perform such duties as the court directs. Their
1285 compensation shall be fixed by general law. The marshal shall
1286 have the power to execute the process of the court throughout the
1287 state, and in any county may deputize the sheriff or a deputy
1288 sheriff for such purpose.

1289 SECTION 4. District courts of appeal.--

1290 (a) ORGANIZATION.--There shall be a district court of
1291 appeal serving each appellate district. Each district court of
1292 appeal shall consist of at least three judges. Three judges shall
1293 consider each case and the concurrence of two shall be necessary
1294 to a decision.

1295 (b) JURISDICTION.--

1296 (1) District courts of appeal shall have jurisdiction to
1297 hear appeals, that may be taken as a matter of right, from final
1298 judgments or orders of trial courts, including those entered on
1299 review of administrative action, not directly appealable to the
1300 supreme court or a circuit court. They may review interlocutory
1301 orders in such cases to the extent provided by rules adopted by
1302 the supreme court.

1303 (2) District courts of appeal shall have the power of
1304 direct review of administrative action, as prescribed by general
1305 law.

1306 (3) A district court of appeal or any judge thereof may
 1307 issue writs of habeas corpus returnable before the court or any
 1308 judge thereof or before any circuit judge within the territorial
 1309 jurisdiction of the court. A district court of appeal may issue
 1310 writs of mandamus, certiorari, prohibition, quo warranto, and
 1311 other writs necessary to the complete exercise of its
 1312 jurisdiction. To the extent necessary to dispose of all issues
 1313 in a cause properly before it, a district court of appeal may
 1314 exercise any of the appellate jurisdiction of the circuit courts.

1315 (c) CLERKS AND MARSHALS.--Each district court of appeal
 1316 shall appoint a clerk and a marshal who shall hold office during
 1317 the pleasure of the court and perform such duties as the court
 1318 directs. Their compensation shall be fixed by general law. The
 1319 marshal shall have the power to execute the process of the court
 1320 throughout the territorial jurisdiction of the court, and in any
 1321 county may deputize the sheriff or a deputy sheriff for such
 1322 purpose.

1323 SECTION 5. Circuit courts.--

1324 (a) ORGANIZATION.--There shall be a circuit court serving
 1325 each judicial circuit.

1326 (b) JURISDICTION.--The circuit courts shall have original
 1327 jurisdiction not vested in the county courts, and jurisdiction of
 1328 appeals when provided by general law. They shall have the power
 1329 to issue writs of mandamus, quo warranto, certiorari,
 1330 prohibition, and habeas corpus, and all writs necessary or proper
 1331 to the complete exercise of their jurisdiction. Jurisdiction of
 1332 the circuit court shall be uniform throughout the state. They
 1333 shall have the power of direct review of administrative action
 1334 prescribed by general law.

1335 SECTION 6. County courts.--

1336 (a) ORGANIZATION.--There shall be a county court in each
 1337 county. There shall be one or more judges for each county court
 1338 as prescribed by general law.

1339 (b) JURISDICTION.--The county courts shall exercise the
 1340 jurisdiction prescribed by general law. Such jurisdiction shall
 1341 be uniform throughout the state.

1342 SECTION 7. Specialized divisions.--All courts except the
 1343 supreme court may sit in divisions as may be established by
 1344 general law. A circuit or county court may hold civil and
 1345 criminal trials and hearings in any place within the territorial
 1346 jurisdiction of the court as designated by the chief judge of the
 1347 circuit.

1348 SECTION 8. Eligibility.--No person shall be eligible for
 1349 office of justice or judge of any court unless the person is an
 1350 elector of the state and resides in the territorial jurisdiction
 1351 of the court. No justice or judge shall serve after attaining
 1352 the age of seventy years except upon temporary assignment or to
 1353 complete a term, one-half of which has been served. No person is
 1354 eligible for the office of justice of the supreme court or judge
 1355 of a district court of appeal unless the person is, and has been
 1356 for the preceding ten years, a member of the bar of Florida. No
 1357 person is eligible for the office of circuit judge unless the
 1358 person is, and has been for the preceding five years, a member of
 1359 the bar of Florida. Unless otherwise provided by general law, no
 1360 person is eligible for the office of county court judge unless
 1361 the person is, and has been for the preceding five years, a
 1362 member of the bar of Florida. Unless otherwise provided by
 1363 general law, a person shall be eligible for election or

1364 appointment to the office of county court judge in a county
 1365 having a population of 40,000 or less if the person is a member
 1366 in good standing of the bar of Florida.

1367 SECTION 9. Determination of number of judges.--The supreme
 1368 court shall establish by rule uniform criteria for the
 1369 determination of the need for additional judges except supreme
 1370 court justices, the necessity for decreasing the number of judges
 1371 and for increasing, decreasing, or redefining appellate districts
 1372 and judicial circuits. If the supreme court finds that a need
 1373 exists for increasing or decreasing the number of judges or
 1374 increasing, decreasing, or redefining appellate districts and
 1375 judicial circuits, it shall, prior to the next regular session of
 1376 the legislature, certify to the legislature its findings and
 1377 recommendations concerning such need. Upon receipt of such
 1378 certificate, the legislature, at the next regular session, shall
 1379 consider the findings and recommendations and may reject the
 1380 recommendations or by law implement the recommendations in whole
 1381 or in part; provided the legislature may create more judicial
 1382 offices than are recommended by the supreme court or may decrease
 1383 the number of judicial offices by a greater number than
 1384 recommended by the court only upon a finding of two-thirds of the
 1385 membership of both houses of the legislature, that such a need
 1386 exists. A decrease in the number of judges shall be effective
 1387 only after the expiration of a term. If the supreme court fails
 1388 to make findings as provided above when need exists, the
 1389 legislature may by concurrent resolution request the court to
 1390 certify its findings and recommendations and upon the failure of
 1391 the court to certify its findings for nine consecutive months,
 1392 the legislature may, upon a finding of two-thirds of the

1393 membership of both houses of the legislature that a need exists,
 1394 increase or decrease the number of judges or increase, decrease,
 1395 or redefine appellate districts and judicial circuits.

1396 SECTION 10. Retention; election and terms.--

1397 (a) Any justice or judge may qualify for retention by a
 1398 vote of the electors in the general election next preceding the
 1399 expiration of the justice's or judge's term in the manner
 1400 prescribed by law. If a justice or judge is ineligible or fails
 1401 to qualify for retention, a vacancy shall exist in that office
 1402 upon the expiration of the term being served by the justice or
 1403 judge. When a justice or judge so qualifies, the ballot shall
 1404 read substantially as follows: "Shall Justice (or Judge) (name of
 1405 justice or judge) of the (name of the court) be retained in
 1406 office?" If a majority of the qualified electors voting within
 1407 the territorial jurisdiction of the court vote to retain, the
 1408 justice or judge shall be retained for a term of six years. The
 1409 term of the justice or judge retained shall commence on the first
 1410 Tuesday after the first Monday in January following the general
 1411 election. If a majority of the qualified electors voting within
 1412 the territorial jurisdiction of the court vote to not retain, a
 1413 vacancy shall exist in that office upon the expiration of the
 1414 term being served by the justice or judge.

1415 (b) (1) The election of circuit judges shall be preserved
 1416 notwithstanding the provisions of subsection (a) unless a
 1417 majority of those voting in the jurisdiction of that circuit
 1418 approves a local option to select circuit judges by merit
 1419 selection and retention rather than by election. The election of
 1420 circuit judges shall be by a vote of the qualified electors
 1421 within the territorial jurisdiction of the court.

1422 (2) The election of county court judges shall be preserved
 1423 notwithstanding the provisions of subsection (a) unless a
 1424 majority of those voting in the jurisdiction of that county
 1425 approves a local option to select county judges by merit
 1426 selection and retention rather than by election. The election of
 1427 county court judges shall be by a vote of the qualified electors
 1428 within the territorial jurisdiction of the court.

1429 (3)a. A vote to exercise a local option to select circuit
 1430 court judges and county court judges by merit selection and
 1431 retention rather than by election shall be held in each circuit
 1432 and county at the general election in the year 2000. If a vote to
 1433 exercise this local option fails in a vote of the electors, such
 1434 option shall not again be put to a vote of the electors of that
 1435 jurisdiction until the expiration of at least two years.

1436 b. ~~After the year 2000,~~ A circuit may initiate the local
 1437 option for merit selection and retention or the election of
 1438 circuit judges, whichever is applicable, by filing with the
 1439 custodian of state records a petition signed by the number of
 1440 electors equal to at least ten percent of the votes cast in the
 1441 circuit in the last preceding election in which presidential
 1442 electors were chosen.

1443 c. ~~After the year 2000,~~ A county may initiate the local
 1444 option for merit selection and retention or the election of
 1445 county court judges, whichever is applicable, by filing with the
 1446 supervisor of elections a petition signed by the number of
 1447 electors equal to at least ten percent of the votes cast in the
 1448 county in the last preceding election in which presidential
 1449 electors were chosen. The terms of circuit judges and judges of
 1450 county courts shall be for six years.

1451 SECTION 11. Vacancies.--

1452 (a) Whenever a vacancy occurs in a judicial office to which
 1453 election for retention applies, the governor shall fill the
 1454 vacancy by appointing for a term ending on the first Tuesday
 1455 after the first Monday in January of the year following the next
 1456 general election occurring at least one year after the date of
 1457 appointment, one of not fewer than three persons nor more than
 1458 six persons nominated by the appropriate judicial nominating
 1459 commission.

1460 (b) The governor shall fill each vacancy on a circuit court
 1461 or on a county court, wherein the judges are elected by a
 1462 majority vote of the electors, by appointing for a term ending on
 1463 the first Tuesday after the first Monday in January of the year
 1464 following the next primary and general election occurring at
 1465 least one year after the date of appointment, one of not fewer
 1466 than three persons nor more than six persons nominated by the
 1467 appropriate judicial nominating commission. An election shall be
 1468 held to fill that judicial office for the term of the office
 1469 beginning at the end of the appointed term.

1470 (c) The nominations shall be made within thirty days from
 1471 the occurrence of a vacancy unless the period is extended by the
 1472 governor for a time not to exceed thirty days. The governor
 1473 shall make the appointment within sixty days after the
 1474 nominations have been certified to the governor.

1475 (d) There shall be a separate judicial nominating
 1476 commission as provided by general law for the supreme court, each
 1477 district court of appeal, and each judicial circuit for all trial
 1478 courts within the circuit. Uniform rules of procedure shall be
 1479 established by the judicial nominating commissions at each level

1480 of the court system. Such rules, or any part thereof, may be
 1481 repealed by general law enacted by a majority vote of the
 1482 membership of each house of the legislature, or by the supreme
 1483 court, five justices concurring. Except for deliberations of the
 1484 judicial nominating commissions, the proceedings of the
 1485 commissions and their records shall be open to the public.

1486 SECTION 12. Discipline; removal and retirement.--

1487 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial
 1488 qualifications commission is created.

1489 (1) There shall be a judicial qualifications commission
 1490 vested with jurisdiction to investigate and recommend to the
 1491 Supreme Court of Florida the removal from office of any justice
 1492 or judge whose conduct, during term of office or otherwise
 1493 occurring on or after November 1, 1966, (without regard to the
 1494 effective date of this section) demonstrates a present unfitness
 1495 to hold office, and to investigate and recommend the discipline
 1496 of a justice or judge whose conduct, during term of office or
 1497 otherwise occurring on or after November 1, 1966, (without regard
 1498 to the effective date of this section), warrants such discipline.
 1499 For purposes of this section, discipline is defined as any or all
 1500 of the following: reprimand, fine, suspension with or without
 1501 pay, or lawyer discipline. The commission shall have jurisdiction
 1502 over justices and judges regarding allegations that misconduct
 1503 occurred before or during service as a justice or judge if a
 1504 complaint is made no later than one year following service as a
 1505 justice or judge. The commission shall have jurisdiction
 1506 regarding allegations of incapacity during service as a justice
 1507 or judge. The commission shall be composed of:

1508 a. Two judges of district courts of appeal selected by the

1509 judges of those courts, two circuit judges selected by the judges
 1510 of the circuit courts and, two judges of county courts selected
 1511 by the judges of those courts;

1512 b. Four electors who reside in the state, who are members
 1513 of the bar of Florida, and who shall be chosen by the governing
 1514 body of the bar of Florida; and

1515 c. Five electors who reside in the state, who have never
 1516 held judicial office or been members of the bar of Florida, and
 1517 who shall be appointed by the governor.

1518 (2) The members of the judicial qualifications commission
 1519 shall serve staggered terms, not to exceed six years, as
 1520 prescribed by general law. No member of the commission except a
 1521 judge shall be eligible for state judicial office while acting as
 1522 a member of the commission and for a period of two years
 1523 thereafter. No member of the commission shall hold office in a
 1524 political party or participate in any campaign for judicial
 1525 office or hold public office; provided that a judge may campaign
 1526 for judicial office and hold that office. The commission shall
 1527 elect one of its members as its chairperson.

1528 (3) Members of the judicial qualifications commission not
 1529 subject to impeachment shall be subject to removal from the
 1530 commission pursuant to the provisions of Article IV, Section 7,
 1531 Florida Constitution.

1532 (4) The commission shall adopt rules regulating its
 1533 proceedings, the filling of vacancies by the appointing
 1534 authorities, the disqualification of members, the rotation of
 1535 members between the panels, and the temporary replacement of
 1536 disqualified or incapacitated members. The commission's rules,
 1537 or any part thereof, may be repealed by general law enacted by a

1538 majority vote of the membership of each house of the legislature,
 1539 or by the supreme court, five justices concurring. The commission
 1540 shall have power to issue subpoenas. Until formal charges against
 1541 a justice or judge are filed by the investigative panel with the
 1542 clerk of the supreme court of Florida all proceedings by or
 1543 before the commission shall be confidential; provided, however,
 1544 upon a finding of probable cause and the filing by the
 1545 investigative panel with said clerk of such formal charges
 1546 against a justice or judge such charges and all further
 1547 proceedings before the commission shall be public.

1548 (5) The commission shall have access to all information
 1549 from all executive, legislative, and judicial agencies, including
 1550 grand juries, subject to the rules of the commission. At any
 1551 time, on request of the speaker of the house of representatives
 1552 or the governor, the commission shall make available all
 1553 information in the possession of the commission for use in
 1554 consideration of impeachment or suspension, respectively.

1555 (b) PANELS.--The commission shall be divided into an
 1556 investigative panel and a hearing panel as established by rule of
 1557 the commission. The investigative panel is vested with the
 1558 jurisdiction to receive or initiate complaints, conduct
 1559 investigations, dismiss complaints, and upon a vote of a simple
 1560 majority of the panel submit formal charges to the hearing panel.
 1561 The hearing panel is vested with the authority to receive and
 1562 hear formal charges from the investigative panel and upon a two-
 1563 thirds vote of the panel recommend to the supreme court the
 1564 removal of a justice or judge or the involuntary retirement of a
 1565 justice or judge for any permanent disability that seriously
 1566 interferes with the performance of judicial duties. Upon a simple

1567 majority vote of the membership of the hearing panel, the panel
 1568 may recommend to the supreme court that the justice or judge be
 1569 subject to appropriate discipline.

1570 (c) SUPREME COURT.--The supreme court shall receive
 1571 recommendations from the judicial qualifications commission's
 1572 hearing panel.

1573 (1) The supreme court may accept, reject, or modify in
 1574 whole or in part the findings, conclusions, and recommendations
 1575 of the commission and it may order that the justice or judge be
 1576 subjected to appropriate discipline, or be removed from office
 1577 with termination of compensation for willful or persistent
 1578 failure to perform judicial duties or for other conduct
 1579 unbecoming a member of the judiciary demonstrating a present
 1580 unfitness to hold office, or be involuntarily retired for any
 1581 permanent disability that seriously interferes with the
 1582 performance of judicial duties. Mala fides ~~Malafides~~, scienter,
 1583 or moral turpitude on the part of a justice or judge shall not be
 1584 required for removal from office of a justice or judge whose
 1585 conduct demonstrates a present unfitness to hold office. After
 1586 the filing of a formal proceeding and upon request of the
 1587 investigative panel, the supreme court may suspend the justice or
 1588 judge from office, with or without compensation, pending final
 1589 determination of the inquiry.

1590 (2) The supreme court may award costs to the prevailing
 1591 party.

1592 (d) The power of removal conferred by this section shall be
 1593 both alternative and cumulative to the power of impeachment.

1594 (e) Notwithstanding any of the foregoing provisions of this
 1595 section, if the person who is the subject of proceedings by the

1596 judicial qualifications commission is a justice of the supreme
 1597 court of Florida all justices of such court automatically shall
 1598 be disqualified to sit as justices of such court with respect to
 1599 all proceedings therein concerning such person and the supreme
 1600 court for such purposes shall be composed of a panel consisting
 1601 of the seven chief judges of the judicial circuits of the state
 1602 of Florida most senior in tenure of judicial office as circuit
 1603 judge. For purposes of determining seniority of such circuit
 1604 judges in the event there be judges of equal tenure in judicial
 1605 office as circuit judge, the judge or judges from the lower
 1606 numbered circuit or circuits shall be deemed senior. In the event
 1607 any such chief circuit judge is under investigation by the
 1608 judicial qualifications commission or is otherwise disqualified
 1609 or unable to serve on the panel, the next most senior chief
 1610 circuit judge or judges shall serve in place of such disqualified
 1611 or disabled chief circuit judge.

1612 (f) SCHEDULE TO SECTION 12.--

1613 (1) Except to the extent inconsistent with the provisions
 1614 of this section, all provisions of law and rules of court in
 1615 force on the effective date of this article shall continue in
 1616 effect until superseded in the manner authorized by the
 1617 constitution.

1618 (2) After this section becomes effective and until adopted
 1619 by rule of the commission consistent with it:

1620 a. The commission shall be divided, as determined by the
 1621 chairperson, into one investigative panel and one hearing panel
 1622 to meet the responsibilities set forth in this section.

1623 b. The investigative panel shall be composed of:

1624 1. Four judges,

- 1625 | 2. Two members of the bar of Florida, and
- 1626 | 3. Three non-lawyers.
- 1627 | c. The hearing panel shall be composed of:
- 1628 | 1. Two judges,
- 1629 | 2. Two members of the bar of Florida, and
- 1630 | 3. Two non-lawyers.
- 1631 | d. Membership on the panels may rotate in a manner
- 1632 | determined by the rules of the commission provided that no member
- 1633 | shall vote as a member of the investigative and hearing panel on
- 1634 | the same proceeding.
- 1635 | e. The commission shall hire separate staff for each panel.
- 1636 | f. The members of the commission shall serve for staggered
- 1637 | terms of six years.
- 1638 | g. The terms of office of the present members of the
- 1639 | judicial qualifications commission shall expire upon the
- 1640 | effective date of the amendments to this section approved by the
- 1641 | legislature during the regular session of the legislature in
- 1642 | 1996, and new members shall be appointed to serve the following
- 1643 | staggered terms:
- 1644 | 1. Group I.--The terms of five members, composed of two
- 1645 | electors as set forth in s. 12(a)(1)c. of Article V, one member
- 1646 | of the bar of Florida as set forth in s. 12(a)(1)b. of Article V,
- 1647 | one judge from the district courts of appeal, and one circuit
- 1648 | judge as set forth in s. 12(a)(1)a. of Article V, shall expire on
- 1649 | December 31, 1998.
- 1650 | 2. Group II.--The terms of five members, composed of one
- 1651 | elector as set forth in s. 12(a)(1)c. of Article V, two members
- 1652 | of the bar of Florida as set forth in s. 12(a)(1)b. of Article V,
- 1653 | one circuit judge, and one county judge as set forth in s.

1654 12(a)(1)a. of Article V shall expire on December 31, 2000.

1655 3. Group III.--The terms of five members, composed of two
 1656 electors as set forth in s. 12(a)(1)c. of Article V, one member
 1657 of the bar of Florida as set forth in s. 12(a)(1)b., one judge
 1658 from the district courts of appeal, and one county judge as set
 1659 forth in s. 12(a)(1)a. of Article V, shall expire on December 31,
 1660 2002.

1661 h. An appointment to fill a vacancy of the commission shall
 1662 be for the remainder of the term.

1663 i. Selection of members by district courts of appeal
 1664 judges, circuit judges, and county court judges, shall be by no
 1665 less than a majority of the members voting at the respective
 1666 courts' conferences. Selection of members by the board of
 1667 governors of the bar of Florida shall be by no less than a
 1668 majority of the board.

1669 j. The commission shall be entitled to recover the costs of
 1670 investigation and prosecution, in addition to any penalty levied
 1671 by the supreme court.

1672 k. The compensation of members and referees shall be the
 1673 travel expenses or transportation and per diem allowance as
 1674 provided by general law.

1675 SECTION 13. Prohibited activities.--All justices and judges
 1676 shall devote full time to their judicial duties. They shall not
 1677 engage in the practice of law or hold office in any political
 1678 party.

1679 SECTION 14. Funding.--

1680 (a) All justices and judges shall be compensated only by
 1681 state salaries fixed by general law. Funding for the state
 1682 courts system, state attorneys' offices, public defenders'

1683 offices, and court-appointed counsel, except as otherwise
 1684 provided in subsection (c), shall be provided from state revenues
 1685 appropriated by general law.

1686 (b) All funding for the offices of the clerks of the
 1687 circuit and county courts performing court-related functions,
 1688 except as otherwise provided in this subsection and subsection
 1689 (c), shall be provided by adequate and appropriate filing fees
 1690 for judicial proceedings and service charges and costs for
 1691 performing court-related functions as required by general law.
 1692 Selected salaries, costs, and expenses of the state courts system
 1693 may be funded from appropriate filing fees for judicial
 1694 proceedings and service charges and costs for performing court-
 1695 related functions, as provided by general law. Where the
 1696 requirements of either the United States Constitution or the
 1697 Constitution of the State of Florida preclude the imposition of
 1698 filing fees for judicial proceedings and service charges and
 1699 costs for performing court-related functions sufficient to fund
 1700 the court-related functions of the offices of the clerks of the
 1701 circuit and county courts, the state shall provide, as determined
 1702 by the legislature, adequate and appropriate supplemental funding
 1703 from state revenues appropriated by general law.

1704 (c) No county or municipality, except as provided in this
 1705 subsection, shall be required to provide any funding for the
 1706 state courts system, state attorneys' offices, public defenders'
 1707 offices, court-appointed counsel, or the offices of the clerks of
 1708 the circuit and county courts performing court-related functions.
 1709 Counties shall be required to fund the cost of communications
 1710 services, existing radio systems, existing multi-agency criminal
 1711 justice information systems, and the cost of construction or

1712 lease, maintenance, utilities, and security of facilities for the
 1713 trial courts, public defenders' offices, state attorneys'
 1714 offices, and the offices of the clerks of the circuit and county
 1715 courts performing court-related functions. Counties shall also
 1716 pay reasonable and necessary salaries, costs, and expenses of the
 1717 state courts system to meet local requirements as determined by
 1718 general law.

1719 (d) The judiciary shall have no power to fix
 1720 appropriations.

1721 SECTION 15. Attorneys; admission and discipline.--The
 1722 supreme court shall have exclusive jurisdiction to regulate the
 1723 admission of persons to the practice of law and the discipline of
 1724 persons admitted.

1725 SECTION 16. Clerks of the circuit courts.--There shall be
 1726 in each county a clerk of the circuit court who shall be selected
 1727 pursuant to the provisions of Article VIII, Section 1.
 1728 Notwithstanding any other provision of the constitution, the
 1729 duties of the clerk of the circuit court may be divided by
 1730 special or general law between two officers, one serving as clerk
 1731 of court and one serving as ex officio clerk of the board of
 1732 county commissioners, auditor, recorder, and custodian of all
 1733 county funds. There may be a clerk of the county court if
 1734 authorized by general or special law.

1735 SECTION 17. State attorneys.--In each judicial circuit, a
 1736 state attorney shall be elected for a term of four years. Except
 1737 as otherwise provided in this constitution, the state attorney
 1738 shall be the prosecuting officer of all trial courts in that
 1739 circuit and shall perform other duties prescribed by general law;
 1740 provided, however, when authorized by general law, the violations

1741 of all municipal ordinances may be prosecuted by municipal
 1742 prosecutors. A state attorney shall be an elector of the state
 1743 and reside in the territorial jurisdiction of the circuit, + shall
 1744 be and have been a member of the bar of Florida for the preceding
 1745 five years, + shall devote full time to the duties of the office, +
 1746 and shall not engage in the private practice of law. State
 1747 attorneys shall appoint such assistant state attorneys as may be
 1748 authorized by law.

1749 SECTION 18. Public defenders.--In each judicial circuit, + a
 1750 public defender shall be elected for a term of four years, who
 1751 shall perform duties prescribed by general law. A public
 1752 defender shall be an elector of the state and reside in the
 1753 territorial jurisdiction of the circuit and shall be and have
 1754 been a member of the bar of Florida for the preceding five years.

1755 Public defenders shall appoint such assistant public defenders
 1756 as may be authorized by law.

1757 SECTION 19. Judicial officers as conservators of the
 1758 peace.--All judicial officers in this state shall be conservators
 1759 of the peace.

1760 SECTION 20. Schedule to Article V.--

1761 (a) This article shall replace all of Article V of the
 1762 Constitution of 1885, as amended, which shall then stand
 1763 repealed.

1764 (b) Except to the extent inconsistent with the provisions
 1765 of this article, all provisions of law and rules of court in
 1766 force on the effective date of this article shall continue in
 1767 effect until superseded in the manner authorized by the
 1768 constitution.

1769 (c) After this article becomes effective, and until changed

1770 | by general law consistent with sections 1 through 19 of this
 1771 | article:

1772 | (1) The supreme court shall have the jurisdiction
 1773 | immediately theretofore exercised by it, and it shall determine
 1774 | all proceedings pending before it on the effective date of this
 1775 | article.

1776 | (2) The appellate districts shall be those in existence on
 1777 | the date of adoption of this article. There shall be a district
 1778 | court of appeal in each district. The district courts of appeal
 1779 | shall have the jurisdiction immediately theretofore exercised by
 1780 | the district courts of appeal and shall determine all proceedings
 1781 | pending before them on the effective date of this article.

1782 | (3) Circuit courts shall have jurisdiction of appeals from
 1783 | county courts and municipal courts, except those appeals which
 1784 | may be taken directly to the supreme court; and they shall have
 1785 | exclusive original jurisdiction in all actions at law not
 1786 | cognizable by the county courts; of proceedings relating to the
 1787 | settlement of the estate of decedents and minors, the granting of
 1788 | letters testamentary, guardianship, involuntary hospitalization,
 1789 | the determination of incompetency, and other jurisdiction usually
 1790 | pertaining to courts of probate; in all cases in equity including
 1791 | all cases relating to juveniles; of all felonies and of all
 1792 | misdemeanors arising out of the same circumstances as a felony
 1793 | which is also charged; in all cases involving legality of any tax
 1794 | assessment or toll; in the action of ejectment; and in all
 1795 | actions involving the titles or boundaries or right of possession
 1796 | of real property. The circuit court may issue injunctions.
 1797 | There shall be judicial circuits which shall be the judicial
 1798 | circuits in existence on the date of adoption of this article.

1799 The chief judge of a circuit may authorize a county court judge
 1800 to order emergency hospitalizations pursuant to Chapter 71-131,
 1801 Laws of Florida, in the absence from the county of the circuit
 1802 judge and the county court judge shall have the power to issue
 1803 all temporary orders and temporary injunctions necessary or
 1804 proper to the complete exercise of such jurisdiction.

1805 (4) County courts shall have original jurisdiction in all
 1806 criminal misdemeanor cases not cognizable by the circuit courts,
 1807 of all violations of municipal and county ordinances, and of all
 1808 actions at law in which the matter in controversy does not exceed
 1809 the sum of two thousand five hundred dollars (\$2,500.00)
 1810 exclusive of interest and costs, except those within the
 1811 exclusive jurisdiction of the circuit courts. Judges of county
 1812 courts shall be committing magistrates. The county courts shall
 1813 have jurisdiction now exercised by the county judge's courts
 1814 other than that vested in the circuit court by subsection (c)(3)
 1815 hereof, the jurisdiction now exercised by the county courts, the
 1816 claims court, the small claims courts, the small claims
 1817 magistrates courts, magistrates courts, justice of the peace
 1818 courts, municipal courts and courts of chartered counties,
 1819 including but not limited to the counties referred to in Article
 1820 VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.

1821 (5) Each judicial nominating commission shall be composed
 1822 of the following:

1823 a. Three members appointed by the Board of Governors of The
 1824 Florida Bar from among The Florida Bar members who are actively
 1825 engaged in the practice of law with offices within the
 1826 territorial jurisdiction of the affected court, district or
 1827 circuit;

1828 b. Three electors who reside in the territorial
1829 jurisdiction of the court or circuit appointed by the governor;
1830 and

1831 c. Three electors who reside in the territorial
1832 jurisdiction of the court or circuit and who are not members of
1833 the bar of Florida, selected and appointed by a majority vote of
1834 the other six members of the commission.

1835 (6) No justice or judge shall be a member of a judicial
1836 nominating commission. A member of a judicial nominating
1837 commission may hold public office other than judicial office. No
1838 member shall be eligible for appointment to state judicial office
1839 so long as that person is a member of a judicial nominating
1840 commission and for a period of two years thereafter. All acts of
1841 a judicial nominating commission shall be made with a concurrence
1842 of a majority of its members.

1843 (7) The members of a judicial nominating commission shall
1844 serve for a term of four years. ~~except the terms of the initial~~
1845 ~~members of the judicial nominating commissions shall expire as~~
1846 ~~follows:~~

1847 ~~a. The terms of one member of category a. b. and c. in~~
1848 ~~subsection (c) (5) hereof shall expire on July 1, 1974;~~

1849 ~~b. The terms of one member of category a. b. and c. in~~
1850 ~~subsection (c) (5) hereof shall expire on July 1, 1975;~~

1851 ~~c. The terms of one member of category a. b. and c. in~~
1852 ~~subsection (c) (5) hereof shall expire on July 1, 1976;~~

1853 (8) All fines and forfeitures arising from offenses tried
1854 in the county court shall be collected, and accounted for by
1855 clerk of the court, and deposited in a special trust account.
1856 All fines and forfeitures received from violations of ordinances

1857 or misdemeanors committed within a county or municipal ordinances
 1858 committed within a municipality within the territorial
 1859 jurisdiction of the county court shall be paid monthly to the
 1860 county or municipality respectively. If any costs are assessed
 1861 and collected in connection with offenses tried in county court,
 1862 all court costs shall be paid into the general revenue fund of
 1863 the state of Florida and such other funds as prescribed by
 1864 general law.

1865 (9) Any municipality or county may apply to the chief judge
 1866 of the circuit in which that municipality or county is situated
 1867 for the county court to sit in a location suitable to the
 1868 municipality or county and convenient in time and place to its
 1869 citizens and police officers and upon such application said chief
 1870 judge shall direct the court to sit in the location unless the
 1871 chief judge shall determine the request is not justified. If the
 1872 chief judge does not authorize the county court to sit in the
 1873 location requested, the county or municipality may apply to the
 1874 supreme court for an order directing the county court to sit in
 1875 the location. Any municipality or county which so applies shall
 1876 be required to provide the appropriate physical facilities in
 1877 which the county court may hold court.

1878 (10) All courts except the supreme court may sit in
 1879 divisions as may be established by local rule approved by the
 1880 supreme court.

1881 (11) A county court judge in any county having a population
 1882 of 40,000 or less according to the last decennial census, shall
 1883 not be required to be a member of the bar of Florida.

1884 (12) Municipal prosecutors may prosecute violations of
 1885 municipal ordinances.

1886 (13) Justice shall mean a justice elected or appointed to
1887 the supreme court and shall not include any judge assigned from
1888 any court.

1889 (d) When this article becomes effective:

1890 (1) All courts not herein authorized, except as provided by
1891 subsection (d)(4) of this section shall cease to exist and
1892 jurisdiction to conclude all pending cases and enforce all prior
1893 orders and judgments shall vest in the court that would have
1894 jurisdiction of the cause if thereafter instituted. All records
1895 of and property held by courts abolished hereby shall be
1896 transferred to the proper office of the appropriate court under
1897 this article.

1898 (2) Judges of the following courts, if their terms do not
1899 expire in 1973 and if they are eligible under subsection (d)(8)
1900 hereof, shall become additional judges of the circuit court for
1901 each of the counties of their respective circuits, and shall
1902 serve as such circuit judges for the remainder of the terms to
1903 which they were elected and shall be eligible for election as
1904 circuit judges thereafter. These courts are: civil court of
1905 record of Dade county, all criminal courts of record, the felony
1906 courts of record of Alachua, Leon, and Volusia Counties, the
1907 courts of record of Broward, Brevard, Escambia, Hillsborough,
1908 Lee, Manatee, and Sarasota Counties, the civil and criminal court
1909 of record of Pinellas County, and county judge's courts and
1910 separate juvenile courts in counties having a population in
1911 excess of 100,000 according to the 1970 federal census. On the
1912 effective date of this article, there shall be an additional
1913 number of positions of circuit judges equal to the number of
1914 existing circuit judges and the number of judges of the above

1915 named courts whose term expires in 1973. Elections to such
 1916 offices shall take place at the same time and manner as elections
 1917 to other state judicial offices in 1972 and the terms of such
 1918 offices shall be for a term of six years. Unless changed
 1919 pursuant to section nine of this article, the number of circuit
 1920 judges presently existing and created by this subsection shall
 1921 not be changed.

1922 (3) In all counties having a population of less than
 1923 100,000 according to the 1970 federal census and having more than
 1924 one county judge on the date of the adoption of this article,
 1925 there shall be the same number of judges of the county court as
 1926 there are county judges existing on that date unless changed
 1927 pursuant to section 9 of this article.

1928 (4) Municipal courts shall continue with their same
 1929 jurisdiction until amended or terminated in a manner prescribed
 1930 by special or general law or ordinances, or until January 3,
 1931 1977, whichever occurs first. On that date all municipal courts
 1932 not previously abolished shall cease to exist. Judges of
 1933 municipal courts shall remain in office and be subject to
 1934 reappointment or reelection in the manner prescribed by law until
 1935 said courts are terminated pursuant to the provisions of this
 1936 subsection. Upon municipal courts being terminated or abolished
 1937 in accordance with the provisions of this subsection, the judges
 1938 thereof who are not members of the bar of Florida, shall be
 1939 eligible to seek election as judges of county courts of their
 1940 respective counties.

1941 (5) Judges, holding elective office in all other courts
 1942 abolished by this article, whose terms do not expire in 1973
 1943 including judges established pursuant to Article VIII, sections 9

1944 and 11 of the Constitution of 1885 shall serve as judges of the
 1945 county court for the remainder of the term to which they were
 1946 elected. Unless created pursuant to section 9, of this Article V
 1947 such judicial office shall not continue to exist thereafter.

1948 ~~(6) By March 21, 1972, the supreme court shall certify the~~
 1949 ~~need for additional circuit and county judges. The legislature~~
 1950 ~~in the 1972 regular session may by general law create additional~~
 1951 ~~offices of judge, the terms of which shall begin on the effective~~
 1952 ~~date of this article. Elections to such offices shall take place~~
 1953 ~~at the same time and manner as election to other state judicial~~
 1954 ~~offices in 1972.~~

1955 (6)~~(7)~~ County judges of existing county judge's courts and
 1956 justices of the peace and magistrates' court who are not members
 1957 of bar of Florida shall be eligible to seek election as county
 1958 court judges of their respective counties.

1959 (7)~~(8)~~ No judge of a court abolished by this article shall
 1960 become or be eligible to become a judge of the circuit court
 1961 unless the judge has been a member of bar of Florida for the
 1962 preceding five years.

1963 (8)~~(9)~~ The office of judges of all other courts abolished
 1964 by this article shall be abolished as of the effective date of
 1965 this article.

1966 ~~(10) The offices of county solicitor and prosecuting~~
 1967 ~~attorney shall stand abolished, and all county solicitors and~~
 1968 ~~prosecuting attorneys holding such offices upon the effective~~
 1969 ~~date of this article shall become and serve as assistant state~~
 1970 ~~attorneys for the circuits in which their counties are situate~~
 1971 ~~for the remainder of their terms, with compensation not less than~~
 1972 ~~that received immediately before the effective date of this~~

1973 | ~~article.~~

1974 | (e) LIMITED OPERATION OF SOME PROVISIONS.--

1975 | ~~(1) All justices of the supreme court, judges of the~~
1976 | ~~district courts of appeal and circuit judges in office upon the~~
1977 | ~~effective date of this article shall retain their offices for the~~
1978 | ~~remainder of their respective terms. All members of the judicial~~
1979 | ~~qualifications commission in office upon the effective date of~~
1980 | ~~this article shall retain their offices for the remainder of~~
1981 | ~~their respective terms. Each state attorney in office on the~~
1982 | ~~effective date of this article shall retain the office for the~~
1983 | ~~remainder of the term.~~

1984 | (1)~~(2)~~ No justice or judge holding office immediately after
1985 | this article becomes effective who held judicial office on July
1986 | 1, 1957, shall be subject to retirement from judicial office
1987 | because of age pursuant to section 8 of this article.

1988 | (f) Until otherwise provided by law, the nonjudicial duties
1989 | required of county judges shall be performed by the judges of the
1990 | county court.

1991 | ~~(g) All provisions of Article V of the Constitution of~~
1992 | ~~1885, as amended, not embraced herein which are not inconsistent~~
1993 | ~~with this revision shall become statutes subject to modification~~
1994 | ~~or repeal as are other statutes.~~

1995 | ~~(h) The requirements of section 14 relative to all county~~
1996 | ~~court judges or any judge of a municipal court who continues to~~
1997 | ~~hold office pursuant to subsection (d) (4) hereof being~~
1998 | ~~compensated by state salaries shall not apply prior to January 3,~~
1999 | ~~1977, unless otherwise provided by general law.~~

2000 | (g)~~(i)~~ DELETION OF OBSOLETE SCHEDULE ITEMS.--The
2001 | legislature shall have power, by concurrent resolution, to delete

2002 from this article any subsection of this section 20 including
2003 this subsection, when all events to which the subsection to be
2004 deleted is or could become applicable have occurred. A
2005 legislative determination of fact made as a basis for application
2006 of this subsection shall be subject to judicial review.

2007 ~~(j) EFFECTIVE DATE. Unless otherwise provided herein, this~~
2008 ~~article shall become effective at 11:59 o'clock P.M., Eastern~~
2009 ~~Standard Time, January 1, 1973.~~

2010 ARTICLE VI
2011 SUFFRAGE AND ELECTIONS

2012
2013 SECTION 1. Regulation of elections.--All elections by the
2014 people shall be by direct and secret vote. General elections
2015 shall be determined by a plurality of votes cast. Registration
2016 and elections shall, and political party functions may, be
2017 regulated by law; however, the requirements for a candidate with
2018 no party affiliation or for a candidate of a minor party for
2019 placement of the candidate's name on the ballot shall be no
2020 greater than the requirements for a candidate of the party having
2021 the largest number of registered voters.

2022 SECTION 2. Electors.--Every citizen of the United States
2023 who is at least eighteen years of age and who is a permanent
2024 resident of the state, if registered as provided by law, shall be
2025 an elector of the county where registered.

2026 SECTION 3. Oath.--Each eligible citizen upon registering
2027 shall subscribe the following: "I do solemnly swear (or affirm)
2028 that I will protect and defend the Constitution of the United
2029 States and the Constitution of the State of Florida, and that I
2030 am qualified to register as an elector under the Constitution and

2031 laws of the State of Florida."

2032 SECTION 4. Disqualifications.--

2033 (a) No person convicted of a felony, or adjudicated in this
 2034 or any other state to be mentally incompetent, shall be qualified
 2035 to vote or hold office until restoration of civil rights or
 2036 removal of disability.

2037 (b) No person may appear on the ballot for re-election to
 2038 any of the following offices:

- 2039 (1) Florida representative,
- 2040 (2) Florida senator,
- 2041 (3) Florida Lieutenant governor, or
- 2042 (4) Any office of the Florida cabinet,
- 2043 ~~(5) U.S. Representative from Florida, or~~
- 2044 ~~(6) U.S. Senator from Florida~~

2045
 2046 if, by the end of the current term of office, the person will
 2047 have served (or, but for resignation, would have served) in that
 2048 office for eight consecutive years.

2049 SECTION 5. Primary, general, and special elections.--

2050 (a) A general election shall be held in each county on the
 2051 first Tuesday after the first Monday in November of each even-
 2052 numbered year to choose a successor to each elective state and
 2053 county officer whose term will expire before the next general
 2054 election and, except as provided herein, to fill each vacancy in
 2055 elective office for the unexpired portion of the term. A general
 2056 election may be suspended or delayed due to a state of emergency
 2057 or impending emergency pursuant to general law. Special
 2058 elections and referenda shall be held as provided by law.

2059 (b) If all candidates for an office have the same party

2060 affiliation and the winner will have no opposition in the general
 2061 election, all qualified electors, regardless of party
 2062 affiliation, may vote in the primary elections for that office.

2063 SECTION 6. Municipal and district elections.--Registration
 2064 and elections in municipalities shall, and in other governmental
 2065 entities created by statute may, be provided by law.

2066 SECTION 7. Campaign spending limits and funding of
 2067 campaigns for elective statewide ~~state-wide~~ office.--It is the
 2068 policy of this state to provide for state-wide elections in which
 2069 all qualified candidates may compete effectively. A method of
 2070 public financing for campaigns for state-wide office shall be
 2071 established by law. Spending limits shall be established for
 2072 such campaigns for candidates who use public funds in their
 2073 campaigns. The legislature shall provide funding for this
 2074 provision. General law implementing this paragraph shall be at
 2075 least as protective of effective competition by a candidate who
 2076 uses public funds as the general law in effect on January 1,
 2077 1998.

2078 ARTICLE VII

2079 FINANCE AND TAXATION

2080
 2081 SECTION 1. Taxation; appropriations; state expenses; state
 2082 revenue limitation.--

2083 (a) No tax shall be levied except in pursuance of law. No
 2084 state ad valorem taxes shall be levied upon real estate or
 2085 tangible personal property. All other forms of taxation shall be
 2086 preempted to the state except as provided by general law.

2087 (b) Motor vehicles, boats, airplanes, trailers, trailer
 2088 coaches, and mobile homes, as defined by law, shall be subject to

2089 a license tax for their operation in the amounts and for the
 2090 purposes prescribed by law, but shall not be subject to ad
 2091 valorem taxes.

2092 (c) No money shall be drawn from the treasury except in
 2093 pursuance of appropriation made by law.

2094 (d) Provision shall be made by law for raising sufficient
 2095 revenue to defray the expenses of the state for each fiscal
 2096 period.

2097 (e) Except as provided herein, state revenues collected for
 2098 any fiscal year shall be limited to state revenues allowed under
 2099 this subsection for the prior fiscal year plus an adjustment for
 2100 growth. As used in this subsection, "growth" means an amount
 2101 equal to the average annual rate of growth in Florida personal
 2102 income over the most recent twenty quarters times the state
 2103 revenues allowed under this subsection for the prior fiscal year.
 2104 ~~For the 1995-1996 fiscal year, the state revenues allowed under~~
 2105 ~~this subsection for the prior fiscal year shall equal the state~~
 2106 ~~revenues collected for the 1994-1995 fiscal year.~~ Florida
 2107 personal income shall be determined by the legislature, from
 2108 information available from the United States Department of
 2109 Commerce or its successor on the first day of February prior to
 2110 the beginning of the fiscal year. State revenues collected for
 2111 any fiscal year in excess of this limitation shall be transferred
 2112 to the budget stabilization fund until the fund reaches the
 2113 maximum balance specified in Section 19(g) of Article III, and
 2114 thereafter shall be refunded to taxpayers as provided by general
 2115 law. State revenues allowed under this subsection for any fiscal
 2116 year may be increased by a two-thirds vote of the membership of
 2117 each house of the legislature in a separate bill that contains no

2118 other subject and that sets forth the dollar amount by which the
 2119 state revenues allowed will be increased. The vote may not be
 2120 taken less than seventy-two hours after the third reading of the
 2121 bill. For purposes of this subsection, "state revenues" means
 2122 taxes, fees, licenses, and charges for services imposed by the
 2123 legislature on individuals, businesses, or agencies outside state
 2124 government. However, "state revenues" does not include: revenues
 2125 that are necessary to meet the requirements set forth in
 2126 documents authorizing the issuance of bonds by the state;
 2127 revenues that are used to provide matching funds for the federal
 2128 Medicaid program with the exception of the revenues used to
 2129 support the Public Medical Assistance Trust Fund or its successor
 2130 program and with the exception of state matching funds used to
 2131 fund elective expansions made after July 1, 1994; proceeds from
 2132 the state lottery returned as prizes; receipts of the Florida
 2133 Hurricane Catastrophe Fund; balances carried forward from prior
 2134 fiscal years; taxes, licenses, fees, and charges for services
 2135 imposed by local, regional, or school district governing bodies;
 2136 or revenue from taxes, licenses, fees, and charges for services
 2137 required to be imposed by any amendment or revision to this
 2138 constitution after July 1, 1994. An adjustment to the revenue
 2139 limitation shall be made by general law to reflect the fiscal
 2140 impact of transfers of responsibility for the funding of
 2141 governmental functions between the state and other levels of
 2142 government. The legislature shall, by general law, prescribe
 2143 procedures necessary to administer this subsection.

2144 SECTION 2. Taxes; rate.--All ad valorem taxation shall be
 2145 at a uniform rate within each taxing unit, except the taxes on
 2146 intangible personal property may be at different rates but shall

2147 never exceed two mills on the dollar of assessed value; provided,
 2148 as to any obligations secured by mortgage, deed of trust, or
 2149 other lien on real estate wherever located, an intangible tax of
 2150 not more than two mills on the dollar may be levied by law to be
 2151 in lieu of all other intangible assessments on such obligations.

2152 SECTION 3. Taxes; exemptions.--

2153 (a) All property owned by a municipality and used
 2154 exclusively by it for municipal or public purposes shall be
 2155 exempt from taxation. A municipality, owning property outside
 2156 the municipality, may be required by general law to make payment
 2157 to the taxing unit in which the property is located. Such
 2158 portions of property as are used predominantly for educational,
 2159 literary, scientific, religious, or charitable purposes may be
 2160 exempted by general law from taxation.

2161 (b) There shall be exempt from taxation, cumulatively, to
 2162 every head of a family residing in this state, household goods
 2163 and personal effects to the value fixed by general law, not less
 2164 than one thousand dollars, and to every widow or widower or
 2165 person who is blind or totally and permanently disabled, property
 2166 to the value fixed by general law not less than five hundred
 2167 dollars.

2168 (c) Any county or municipality may, for the purpose of its
 2169 respective tax levy and subject to the provisions of this
 2170 subsection and general law, grant community and economic
 2171 development ad valorem tax exemptions to new businesses and
 2172 expansions of existing businesses, as defined by general law.
 2173 Such an exemption may be granted only by ordinance of the county
 2174 or municipality, and only after the electors of the county or
 2175 municipality voting on such question in a referendum authorize

2176 the county or municipality to adopt such ordinances. An
 2177 exemption so granted shall apply to improvements to real property
 2178 made by or for the use of a new business and improvements to real
 2179 property related to the expansion of an existing business and
 2180 shall also apply to tangible personal property of such new
 2181 business and tangible personal property related to the expansion
 2182 of an existing business. The amount or limits of the amount of
 2183 such exemption shall be specified by general law. The period of
 2184 time for which such exemption may be granted to a new business or
 2185 expansion of an existing business shall be determined by general
 2186 law. The authority to grant such exemption shall expire ten
 2187 years from the date of approval by the electors of the county or
 2188 municipality, and may be renewable by referendum as provided by
 2189 general law.

2190 (d) By general law and subject to conditions specified
 2191 therein, there may be granted an ad valorem tax exemption to a
 2192 renewable energy source device and to real property on which such
 2193 device is installed and operated, to the value fixed by general
 2194 law not to exceed the original cost of the device, and for the
 2195 period of time fixed by general law not to exceed ten years.

2196 (e) Any county or municipality may, for the purpose of its
 2197 respective tax levy and subject to the provisions of this
 2198 subsection and general law, grant historic preservation ad
 2199 valorem tax exemptions to owners of historic properties. This
 2200 exemption may be granted only by ordinance of the county or
 2201 municipality. The amount or limits of the amount of this
 2202 exemption and the requirements for eligible properties must be
 2203 specified by general law. The period of time for which this
 2204 exemption may be granted to a property owner shall be determined

2205 by general law.

2206 SECTION 4. Taxation; assessments.--By general law
2207 regulations shall be prescribed which shall secure a just
2208 valuation of all property for ad valorem taxation, provided:

2209 (a) Agricultural land, land producing high water recharge
2210 to Florida's aquifers, or land used exclusively for noncommercial
2211 recreational purposes may be classified by general law and
2212 assessed solely on the basis of character or use.

2213 (b) Pursuant to general law tangible personal property held
2214 for sale as stock in trade and livestock may be valued for
2215 taxation at a specified percentage of its value, may be
2216 classified for tax purposes, or may be exempted from taxation.

2217 (c) All persons entitled to a homestead exemption under
2218 Section 6 of this Article shall have their homestead assessed at
2219 just value as of January 1 of the year following the effective
2220 date of this amendment. This assessment shall change only as
2221 provided herein.

2222 (1) Assessments subject to this provision shall be changed
2223 annually on January 1st of each year; but those changes in
2224 assessments shall not exceed the lower of the following:

2225 a. Three percent (3%) of the assessment for the prior year.

2226 b. The percent change in the Consumer Price Index for all
2227 urban consumers, U.S. City Average, all items 1967=100, or
2228 successor reports for the preceding calendar year as initially
2229 reported by the United States Department of Labor, Bureau of
2230 Labor Statistics.

2231 (2) No assessment shall exceed just value.

2232 (3) After any change of ownership, as provided by general
2233 law, homestead property shall be assessed at just value as of

2234 January 1 of the following year. Thereafter, the homestead shall
 2235 be assessed as provided herein.

2236 (4) New homestead property shall be assessed at just value
 2237 as of January 1st of the year following the establishment of the
 2238 homestead. That assessment shall only change as provided herein.

2239 (5) Changes, additions, reductions, or improvements to
 2240 homestead property shall be assessed as provided for by general
 2241 law; provided, however, after the adjustment for any change,
 2242 addition, reduction, or improvement, the property shall be
 2243 assessed as provided herein.

2244 (6) In the event of a termination of homestead status, the
 2245 property shall be assessed as provided by general law.

2246 (7) The provisions of this amendment are severable. If any
 2247 of the provisions of this amendment shall be held
 2248 unconstitutional by any court of competent jurisdiction, the
 2249 decision of such court shall not affect or impair any remaining
 2250 provisions of this amendment.

2251 (d) The legislature may, by general law, for assessment
 2252 purposes and subject to the provisions of this subsection, allow
 2253 counties and municipalities to authorize by ordinance that
 2254 historic property may be assessed solely on the basis of
 2255 character or use. Such character or use assessment shall apply
 2256 only to the jurisdiction adopting the ordinance. The
 2257 requirements for eligible properties must be specified by general
 2258 law.

2259 (e) A county may, in the manner prescribed by general law,
 2260 provide for a reduction in the assessed value of homestead
 2261 property to the extent of any increase in the assessed value of
 2262 that property which results from the construction or

2263 reconstruction of the property for the purpose of providing
 2264 living quarters for one or more natural or adoptive grandparents
 2265 or parents of the owner of the property or of the owner's spouse
 2266 if at least one of the grandparents or parents for whom the
 2267 living quarters are provided is 62 years of age or older. Such a
 2268 reduction may not exceed the lesser of the following:

2269 (1) The increase in assessed value resulting from
 2270 construction or reconstruction of the property.

2271 (2) Twenty percent of the total assessed value of the
 2272 property as improved.

2273 SECTION 5. Estate, inheritance, and income taxes.--

2274 (a) NATURAL PERSONS. No tax upon estates or inheritances
 2275 or upon the income of natural persons who are residents or
 2276 citizens of the state shall be levied by the state, or under its
 2277 authority, in excess of the aggregate of amounts which may be
 2278 allowed to be credited upon or deducted from any similar tax
 2279 levied by the United States or any state.

2280 (b) OTHERS. No tax upon the income of residents and
 2281 citizens other than natural persons shall be levied by the state,
 2282 or under its authority, in excess of five percent ~~5%~~ of net
 2283 income, as defined by law, or at such greater rate as is
 2284 authorized by a three-fifths(3/5)vote of the membership of each
 2285 house of the legislature or as will provide for the state the
 2286 maximum amount which may be allowed to be credited against income
 2287 taxes levied by the United States and other states. There shall
 2288 be exempt from taxation not less than five thousand dollars
 2289 (\$5,000) of the excess of net income subject to tax over the
 2290 maximum amount allowed to be credited against income taxes levied
 2291 by the United States and other states.

2292 (c) EFFECTIVE DATE. This section shall become effective
 2293 immediately upon approval by the electors of Florida.

2294 SECTION 6. Homestead exemptions.--

2295 (a) Every person who has the legal or equitable title to
 2296 real estate and maintains thereon the permanent residence of the
 2297 owner, or another legally or naturally dependent upon the owner,
 2298 shall be exempt from taxation thereon, except assessments for
 2299 special benefits, up to the assessed valuation of five thousand
 2300 dollars, upon establishment of right thereto in the manner
 2301 prescribed by law. The real estate may be held by legal or
 2302 equitable title, by the entirety, jointly, in common, as a
 2303 condominium, or indirectly by stock ownership or membership
 2304 representing the owner's or member's proprietary interest in a
 2305 corporation owning a fee or a leasehold initially in excess of
 2306 ninety-eight years.

2307 (b) Not more than one exemption shall be allowed any
 2308 individual or family unit or with respect to any residential
 2309 unit. No exemption shall exceed the value of the real estate
 2310 assessable to the owner or, in case of ownership through stock or
 2311 membership in a corporation, the value of the proportion which
 2312 the interest in the corporation bears to the assessed value of
 2313 the property.

2314 (c) By general law and subject to conditions specified
 2315 therein, the exemption shall be increased to a total of twenty-
 2316 five thousand dollars of the assessed value of the real estate
 2317 for each school district levy. By general law and subject to
 2318 conditions specified therein, the exemption for all other levies
 2319 may be increased up to an amount not exceeding ten thousand
 2320 dollars of the assessed value of the real estate if the owner has

2321 attained age sixty-five or is totally and permanently disabled
 2322 and if the owner is not entitled to the exemption provided in
 2323 subsection (d).

2324 (d) By general law and subject to conditions specified
 2325 therein, the exemption shall be increased to a total of the
 2326 following amounts of assessed value of real estate for each levy
 2327 other than those of school districts: fifteen thousand dollars
 2328 with respect to 1980 assessments; twenty thousand dollars with
 2329 respect to 1981 assessments; twenty-five thousand dollars with
 2330 respect to assessments for 1982 and each year thereafter.

2331 However, such increase shall not apply with respect to any
 2332 assessment roll until such roll is first determined to be in
 2333 compliance with the provisions of section 4 by a state agency
 2334 designated by general law. This subsection shall stand repealed
 2335 on the effective date of any amendment to section 4 which
 2336 provides for the assessment of homestead property at a specified
 2337 percentage of its just value.

2338 (e) By general law and subject to conditions specified
 2339 therein, the Legislature may provide to renters, who are
 2340 permanent residents, ad valorem tax relief on all ad valorem tax
 2341 levies. Such ad valorem tax relief shall be in the form and
 2342 amount established by general law.

2343 (f) The legislature may, by general law, allow counties or
 2344 municipalities, for the purpose of their respective tax levies
 2345 and subject to the provisions of general law, to grant an
 2346 additional homestead tax exemption not exceeding twenty-five
 2347 thousand dollars to any person who has the legal or equitable
 2348 title to real estate and maintains thereon the permanent
 2349 residence of the owner and who has attained age sixty-five and

2350 whose household income, as defined by general law, does not
 2351 exceed twenty thousand dollars. The general law must allow
 2352 counties and municipalities to grant this additional exemption,
 2353 within the limits prescribed in this subsection, by ordinance
 2354 adopted in the manner prescribed by general law, and must provide
 2355 for the periodic adjustment of the income limitation prescribed
 2356 in this subsection for changes in the cost of living.

2357 SECTION 7. Allocation of pari-mutuel taxes.--Taxes upon the
 2358 operation of pari-mutuel pools may be preempted to the state or
 2359 allocated in whole or in part to the counties. When allocated to
 2360 the counties, the distribution shall be in equal amounts to the
 2361 several counties.

2362 SECTION 8. Aid to local governments.--State funds may be
 2363 appropriated to the several counties, school districts,
 2364 municipalities, or special districts upon such conditions as may
 2365 be provided by general law. These conditions may include the use
 2366 of relative ad valorem assessment levels determined by a state
 2367 agency designated by general law.

2368 SECTION 9. Local taxes.--

2369 (a) Counties, school districts, and municipalities shall,
 2370 and special districts may, be authorized by law to levy ad
 2371 valorem taxes and may be authorized by general law to levy other
 2372 taxes, for their respective purposes, except ad valorem taxes on
 2373 intangible personal property and taxes prohibited by this
 2374 constitution.

2375 (b) Ad valorem taxes, exclusive of taxes levied for the
 2376 payment of bonds and taxes levied for periods not longer than two
 2377 years when authorized by vote of the electors who are the owners
 2378 of freeholds therein not wholly exempt from taxation, shall not

2379 | be levied in excess of the following millages upon the assessed
 2380 | value of real estate and tangible personal property: for all
 2381 | county purposes, ten mills; for all municipal purposes, ten
 2382 | mills; for all school purposes, ten mills; for water management
 2383 | purposes for the northwest portion of the state lying west of the
 2384 | line between ranges two and three east, 0.05 mill; for water
 2385 | management purposes for the remaining portions of the state, 1.0
 2386 | mill; and for all other special districts a millage authorized by
 2387 | law approved by vote of the electors who are owners of freeholds
 2388 | therein not wholly exempt from taxation. A county furnishing
 2389 | municipal services may, to the extent authorized by law, levy
 2390 | additional taxes within the limits fixed for municipal purposes.

2391 | SECTION 10. Pledging credit.--Neither the state nor any
 2392 | county, school district, municipality, special district, or
 2393 | agency of any of them, shall become a joint owner with, or
 2394 | stockholder of, or give, lend, or use its taxing power or credit
 2395 | to aid any corporation, association, partnership, or person; but
 2396 | this shall not prohibit laws authorizing:

- 2397 | (a) The investment of public trust funds;
- 2398 | (b) The investment of other public funds in obligations of,
 2399 | or insured by, the United States or any of its instrumentalities;
- 2400 | (c) The issuance and sale by any county, municipality,
 2401 | special district, or other local governmental body of (1) revenue
 2402 | bonds to finance or refinance the cost of capital projects for
 2403 | airports or port facilities, or (2) revenue bonds to finance or
 2404 | refinance the cost of capital projects for industrial or
 2405 | manufacturing plants to the extent that the interest thereon is
 2406 | exempt from income taxes under the then existing laws of the
 2407 | United States, when, in either case, the revenue bonds are

2408 payable solely from revenue derived from the sale, operation, or
 2409 leasing of the projects. If any project so financed, or any part
 2410 thereof, is occupied or operated by any private corporation,
 2411 association, partnership, or person pursuant to contract or lease
 2412 with the issuing body, the property interest created by such
 2413 contract or lease shall be subject to taxation to the same extent
 2414 as other privately owned property.

2415 (d) a municipality, county, special district, or agency of
 2416 any of them, being a joint owner of, giving, or lending or using
 2417 its taxing power or credit for the joint ownership, construction, and
 2418 and operation of electrical energy generating or transmission
 2419 facilities with any corporation, association, partnership, or
 2420 person.

2421 SECTION 11. State bonds; revenue bonds.--

2422 (a) State bonds pledging the full faith and credit of the
 2423 state may be issued only to finance or refinance the cost of
 2424 state fixed capital outlay projects authorized by law, and
 2425 purposes incidental thereto, upon approval by a vote of the
 2426 electors; provided state bonds issued pursuant to this subsection
 2427 may be refunded without a vote of the electors at a lower net
 2428 average interest cost rate. The total outstanding principal of
 2429 state bonds issued pursuant to this subsection shall never exceed
 2430 fifty percent of the total tax revenues of the state for the two
 2431 preceding fiscal years, excluding any tax revenues held in trust
 2432 under the provisions of this constitution.

2433 (b) Moneys sufficient to pay debt service on state bonds as
 2434 the same becomes due shall be appropriated by law.

2435 (c) Any state bonds pledging the full faith and credit of
 2436 the state issued under this section or any other section of this

2437 constitution may be combined for the purposes of sale.

2438 (d) Revenue bonds may be issued by the state or its
 2439 agencies without a vote of the electors to finance or refinance
 2440 the cost of state fixed capital outlay projects authorized by
 2441 law, and purposes incidental thereto, and shall be payable solely
 2442 from funds derived directly from sources other than state tax
 2443 revenues.

2444 (e) Bonds pledging all or part of a dedicated state tax
 2445 revenue may be issued by the state in the manner provided by
 2446 general law to finance or refinance the acquisition and
 2447 improvement of land, water areas, and related property interests
 2448 and resources for the purposes of conservation, outdoor
 2449 recreation, water resource development, restoration of natural
 2450 systems, and historic preservation.

2451 (f) Each project, building, or facility to be financed or
 2452 refinanced with revenue bonds issued under this section shall
 2453 first be approved by the Legislature by an act relating to
 2454 appropriations or by general law.

2455 SECTION 12. Local bonds.--Counties, school districts,
 2456 municipalities, special districts, and local governmental bodies
 2457 with taxing powers may issue bonds, certificates of indebtedness,
 2458 or any form of tax anticipation certificates, payable from ad
 2459 valorem taxation and maturing more than twelve months after
 2460 issuance only:

2461 (a) To finance or refinance capital projects authorized by
 2462 law and only when approved by vote of the electors who are owners
 2463 of freeholds therein not wholly exempt from taxation; or

2464 (b) To refund outstanding bonds and interest and redemption
 2465 premium thereon at a lower net average interest cost rate.

2466 SECTION 13. Relief from illegal taxes.--Until payment of
 2467 all taxes which have been legally assessed upon the property of
 2468 the same owner, no court shall grant relief from the payment of
 2469 any tax that may be illegal or illegally assessed.

2470 SECTION 14. Bonds for pollution control and abatement and
 2471 other water facilities.--

2472 (a) When authorized by law, state bonds pledging the full
 2473 faith and credit of the state may be issued without an election
 2474 to finance the construction of air and water pollution control
 2475 and abatement and solid waste disposal facilities and other water
 2476 facilities authorized by general law (herein referred to as
 2477 "facilities") to be operated by any municipality, county,
 2478 district or authority, or any agency thereof (herein referred to
 2479 as "local governmental agencies"), or by any agency of the State
 2480 of Florida. Such bonds shall be secured by a pledge of and shall
 2481 be payable primarily from all or any part of revenues to be
 2482 derived from operation of such facilities, special assessments,
 2483 rentals to be received under lease-purchase agreements herein
 2484 provided for, any other revenues that may be legally available
 2485 for such purpose, including revenues from other facilities, or
 2486 any combination thereof (herein collectively referred to as
 2487 "pledged revenues"), and shall be additionally secured by the
 2488 full faith and credit of the State of Florida.

2489 (b) No such bonds shall be issued unless a state fiscal
 2490 agency, created by law, has made a determination that in no state
 2491 fiscal year will the debt service requirements of the bonds
 2492 proposed to be issued and all other bonds secured by the pledged
 2493 revenues exceed seventy-five per cent of the pledged revenues.

2494 (c) The state may lease any of such facilities to any local

2495 governmental agency, under lease-purchase agreements for such
 2496 periods and under such other terms and conditions as may be
 2497 mutually agreed upon. The local governmental agencies may pledge
 2498 the revenues derived from such leased facilities or any other
 2499 available funds for the payment of rentals thereunder; and, in
 2500 addition, the full faith and credit and taxing power of such
 2501 local governmental agencies may be pledged for the payment of
 2502 such rentals without any election of freeholder electors or
 2503 qualified electors.

2504 (d) The state may also issue such bonds for the purpose of
 2505 loaning money to local governmental agencies, for the
 2506 construction of such facilities to be owned or operated by any of
 2507 such local governmental agencies. Such loans shall bear interest
 2508 at not more than one-half of one per cent per annum greater than
 2509 the last preceding issue of state bonds pursuant to this section,
 2510 shall be secured by the pledged revenues, and may be additionally
 2511 secured by the full faith and credit of the local governmental
 2512 agencies.

2513 (e) The total outstanding principal of state bonds issued
 2514 pursuant to this section ~~14~~ shall never exceed fifty per cent of
 2515 the total tax revenues of the state for the two preceding fiscal
 2516 years.

2517 SECTION 15. Revenue bonds for scholarship loans.--

2518 (a) When authorized by law, revenue bonds may be issued to
 2519 establish a fund to make loans to students determined eligible as
 2520 prescribed by law and who have been admitted to attend any public
 2521 or private institutions of higher learning, junior colleges,
 2522 health related training institutions, or vocational training
 2523 centers, which are recognized or accredited under terms and

2524 conditions prescribed by law. Revenue bonds issued pursuant to
 2525 this section shall be secured by a pledge of and shall be payable
 2526 primarily from payments of interest, principal, and handling
 2527 charges to such fund from the recipients of the loans and, if
 2528 authorized by law, may be additionally secured by student fees
 2529 and by any other moneys in such fund. There shall be established
 2530 from the proceeds of each issue of revenue bonds a reserve
 2531 account in an amount equal to and sufficient to pay the greatest
 2532 amount of principal, interest, and handling charges to become due
 2533 on such issue in any ensuing state fiscal year.

2534 (b) Interest moneys in the fund established pursuant to
 2535 this section, not required in any fiscal year for payment of debt
 2536 service on then outstanding revenue bonds or for maintenance of
 2537 the reserve account, may be used for educational loans to
 2538 students determined to be eligible therefor in the manner
 2539 provided by law, or for such other related purposes as may be
 2540 provided by law.

2541 SECTION 16. Bonds for housing and related facilities.--

2542 (a) When authorized by law, revenue bonds may be issued
 2543 without an election to finance or refinance housing and related
 2544 facilities in Florida, herein referred to as "facilities."

2545 (b) The bonds shall be secured by a pledge of and shall be
 2546 payable primarily from all or any part of revenues to be derived
 2547 from the financing, operation or sale of such facilities,
 2548 mortgage or loan payments, and any other revenues or assets that
 2549 may be legally available for such purposes derived from sources
 2550 other than ad valorem taxation, including revenues from other
 2551 facilities, or any combination thereof, herein collectively
 2552 referred to as "pledged revenues," provided that in no event

2553 shall the full faith and credit of the state be pledged to secure
 2554 such revenue bonds.

2555 (c) No bonds shall be issued unless a state fiscal agency,
 2556 created by law, has made a determination that in no state fiscal
 2557 year will the debt service requirements of the bonds proposed to
 2558 be issued and all other bonds secured by the same pledged
 2559 revenues exceed the pledged revenues available for payment of
 2560 such debt service requirements, as defined by law.

2561 SECTION 17. Bonds for acquiring transportation right-of-way
 2562 or for constructing bridges.--

2563 (a) When authorized by law, state bonds pledging the full
 2564 faith and credit of the state may be issued, without a vote of
 2565 the electors, to finance or refinance the cost of acquiring real
 2566 property or the rights to real property for state roads as
 2567 defined by law, or to finance or refinance the cost of state
 2568 bridge construction, and purposes incidental to such property
 2569 acquisition or state bridge construction.

2570 (b) Bonds issued under this section shall be secured by a
 2571 pledge of and shall be payable primarily from motor fuel or
 2572 special fuel taxes, except those defined in Section 9(c) of
 2573 Article XII, as provided by law, and shall additionally be
 2574 secured by the full faith and credit of the state.

2575 (c) No bonds shall be issued under this section unless a
 2576 state fiscal agency, created by law, has made a determination
 2577 that in no state fiscal year will the debt service requirements
 2578 of the bonds proposed to be issued and all other bonds secured by
 2579 the same pledged revenues exceed ninety percent of the pledged
 2580 revenues available for payment of such debt service requirements,
 2581 as defined by law. For the purposes of this subsection, the term

2582 "pledged revenues" means all revenues pledged to the payment of
 2583 debt service, excluding any pledge of the full faith and credit
 2584 of the state.

2585 SECTION 18. Laws requiring counties or municipalities to
 2586 spend funds or limiting their ability to raise revenue or receive
 2587 state tax revenue.--

2588 (a) No county or municipality shall be bound by any general
 2589 law requiring such county or municipality to spend funds or to
 2590 take an action requiring the expenditure of funds unless the
 2591 legislature has determined that such law fulfills an important
 2592 state interest and unless: funds have been appropriated that
 2593 have been estimated at the time of enactment to be sufficient to
 2594 fund such expenditure; the legislature authorizes or has
 2595 authorized a county or municipality to enact a funding source not
 2596 available for such county or municipality on February 1, 1989,
 2597 that can be used to generate the amount of funds estimated to be
 2598 sufficient to fund such expenditure by a simple majority vote of
 2599 the governing body of such county or municipality; the law
 2600 requiring such expenditure is approved by two-thirds of the
 2601 membership in each house of the legislature; the expenditure is
 2602 required to comply with a law that applies to all persons
 2603 similarly situated, including the state and local governments; or
 2604 the law is either required to comply with a federal requirement
 2605 or required for eligibility for a federal entitlement, which
 2606 federal requirement specifically contemplates actions by counties
 2607 or municipalities for compliance.

2608 (b) Except upon approval of each house of the legislature
 2609 by two-thirds of the membership, the legislature may not enact,
 2610 amend, or repeal any general law if the anticipated effect of

2611 doing so would be to reduce the authority that municipalities or
 2612 counties have to raise revenues in the aggregate, as such
 2613 authority exists on February 1, 1989.

2614 (c) Except upon approval of each house of the legislature
 2615 by two-thirds of the membership, the legislature may not enact,
 2616 amend, or repeal any general law if the anticipated effect of
 2617 doing so would be to reduce the percentage of a state tax shared
 2618 with counties and municipalities as an aggregate on February 1,
 2619 1989. The provisions of this subsection shall not apply to
 2620 enhancements enacted after February 1, 1989, to state tax
 2621 sources, or during a fiscal emergency declared in a written joint
 2622 proclamation issued by the president of the senate and the
 2623 speaker of the house of representatives, or where the legislature
 2624 provides additional state-shared revenues which are anticipated
 2625 to be sufficient to replace the anticipated aggregate loss of
 2626 state-shared revenues resulting from the reduction of the
 2627 percentage of the state tax shared with counties and
 2628 municipalities, which source of replacement revenues shall be
 2629 subject to the same requirements for repeal or modification as
 2630 provided herein for a state-shared tax source existing on
 2631 February 1, 1989.

2632 (d) Laws adopted to require funding of pension benefits
 2633 existing on the effective date of this section;i criminal laws;i
 2634 election laws;i the general appropriations act;i special
 2635 appropriations acts;i laws reauthorizing but not expanding then-
 2636 existing statutory authority;i laws having insignificant fiscal
 2637 impact;i and laws creating, modifying, or repealing noncriminal
 2638 infractions~~;~~ are exempt from the requirements of this section.

2639 (e) The legislature may enact laws to assist in the

2640 implementation and enforcement of this section.

2641 ARTICLE VIII

2642 LOCAL GOVERNMENT

2643
2644 SECTION 1. Counties.--

2645 (a) POLITICAL SUBDIVISIONS. The state shall be divided by
2646 law into political subdivisions called counties. Counties may be
2647 created, abolished, or changed by law, with provision for payment
2648 or apportionment of the public debt.

2649 (b) COUNTY FUNDS. The care, custody, and method of
2650 disbursing county funds shall be provided by general law.

2651 (c) GOVERNMENT. Pursuant to general or special law, a
2652 county government may be established by charter which shall be
2653 adopted, amended, or repealed only upon vote of the electors of
2654 the county in a special election called for that purpose.

2655 (d) COUNTY OFFICERS. There shall be elected by the
2656 electors of each county, for terms of four years, a sheriff, a
2657 tax collector, a property appraiser, a supervisor of elections,
2658 and a clerk of the circuit court; except, when provided by county
2659 charter or special law approved by vote of the electors of the
2660 county, any county officer may be chosen in another manner
2661 therein specified, or any county office may be abolished when all
2662 the duties of the office prescribed by general law are
2663 transferred to another office. When not otherwise provided by
2664 county charter or special law approved by vote of the electors,
2665 the clerk of the circuit court shall be ex officio clerk of the
2666 board of county commissioners, auditor, recorder, and custodian
2667 of all county funds.

2668 (e) COMMISSIONERS. Except when otherwise provided by

2669 county charter, the governing body of each county shall be a
 2670 board of county commissioners composed of five or seven members
 2671 serving staggered terms of four years. After each decennial
 2672 census, the board of county commissioners shall divide the county
 2673 into districts of contiguous territory as nearly equal in
 2674 population as practicable. One commissioner residing in each
 2675 district shall be elected as provided by law.

2676 (f) NON-CHARTER GOVERNMENT. Counties not operating under
 2677 county charters shall have such power of self-government as is
 2678 provided by general or special law. The board of county
 2679 commissioners of a county not operating under a charter may
 2680 enact, in a manner prescribed by general law, county ordinances
 2681 not inconsistent with general or special law, but an ordinance in
 2682 conflict with a municipal ordinance shall not be effective within
 2683 the municipality to the extent of such conflict.

2684 (g) CHARTER GOVERNMENT. Counties operating under county
 2685 charters shall have all powers of local self-government not
 2686 inconsistent with general law, or with special law approved by
 2687 vote of the electors. The governing body of a county operating
 2688 under a charter may enact county ordinances not inconsistent with
 2689 general law. The charter shall provide which shall prevail in
 2690 the event of conflict between county and municipal ordinances.

2691 (h) TAXES; LIMITATION. Property situate within
 2692 municipalities shall not be subject to taxation for services
 2693 rendered by the county exclusively for the benefit of the
 2694 property or residents in unincorporated areas.

2695 (i) COUNTY ORDINANCES. Each county ordinance shall be
 2696 filed with the custodian of state records and shall become
 2697 effective at such time thereafter as is provided by general law.

2698 (j) VIOLATION OF ORDINANCES. Persons violating county
 2699 ordinances shall be prosecuted and punished as provided by law.

2700 (k) COUNTY SEAT. In every county there shall be a county
 2701 seat at which shall be located the principal offices and
 2702 permanent records of all county officers. The county seat may
 2703 not be moved except as provided by general law. Branch offices
 2704 for the conduct of county business may be established elsewhere
 2705 in the county by resolution of the governing body of the county
 2706 in the manner prescribed by law. No instrument shall be deemed
 2707 recorded until filed at the county seat, or a branch office
 2708 designated by the governing body of the county for the recording
 2709 of instruments, according to law.

2710 SECTION 2. Municipalities.--

2711 (a) ESTABLISHMENT. Municipalities may be established or
 2712 abolished and their charters amended pursuant to general or
 2713 special law. When any municipality is abolished, provision shall
 2714 be made for the protection of its creditors.

2715 (b) POWERS. Municipalities shall have governmental,
 2716 corporate, and proprietary powers to enable them to conduct
 2717 municipal government, perform municipal functions and render
 2718 municipal services, and may exercise any power for municipal
 2719 purposes except as otherwise provided by law. Each municipal
 2720 legislative body shall be elective.

2721 (c) ANNEXATION. Municipal annexation of unincorporated
 2722 territory, merger of municipalities, and exercise of extra-
 2723 territorial powers by municipalities shall be as provided by
 2724 general or special law.

2725 SECTION 3. Consolidation.--The government of a county and
 2726 the government of one or more municipalities located therein may

2727 be consolidated into a single government which may exercise any
 2728 and all powers of the county and the several municipalities. The
 2729 consolidation plan may be proposed only by special law, which
 2730 shall become effective if approved by vote of the electors of the
 2731 county, or of the county and municipalities affected, as may be
 2732 provided in the plan. Consolidation shall not extend the
 2733 territorial scope of taxation for the payment of pre-existing
 2734 debt except to areas whose residents receive a benefit from the
 2735 facility or service for which the indebtedness was incurred.

2736 SECTION 4. Transfer of powers.--By law or by resolution of
 2737 the governing bodies of each of the governments affected, any
 2738 function or power of a county, municipality, or special district
 2739 may be transferred to or contracted to be performed by another
 2740 county, municipality, or special district, after approval by vote
 2741 of the electors of the transferor and approval by vote of the
 2742 electors of the transferee, or as otherwise provided by law.

2743 SECTION 5. Local option.--

2744 (a) Local option on the legality or prohibition of the sale
 2745 of intoxicating liquors, wines, or beers shall be preserved to
 2746 each county. The status of a county with respect thereto shall be
 2747 changed only by vote of the electors in a special election called
 2748 upon the petition of twenty-five percent ~~per cent~~ of the electors
 2749 of the county, and not sooner than two years after an earlier
 2750 election on the same question. Where legal, the sale of
 2751 intoxicating liquors, wines, and beers shall be regulated by law.

2752 (b) Each county shall have the authority to require a
 2753 criminal history records check and a 3-to-5-day ~~3 to 5 day~~
 2754 waiting period, excluding weekends and legal holidays, in
 2755 connection with the sale of any firearm occurring within such

2756 county. For purposes of this subsection, the term "sale" means
 2757 the transfer of money or other valuable consideration for any
 2758 firearm when any part of the transaction is conducted on property
 2759 to which the public has the right of access. Holders of a
 2760 concealed weapons permit as prescribed by general law shall not
 2761 be subject to the provisions of this subsection when purchasing a
 2762 firearm.

2763 SECTION 6. Schedule to Article VIII.--

2764 (a) This article shall replace all of Article VIII of the
 2765 Constitution of 1885, as amended, except those sections expressly
 2766 retained and made a part of this article by reference.

2767 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
 2768 status of the following items as they exist on the date this
 2769 article becomes effective is recognized and shall be continued
 2770 until changed in accordance with law: the counties of the state;
 2771 their status with respect to the legality of the sale of
 2772 intoxicating liquors, wines, and beers; the method of selection
 2773 of county officers; the performance of municipal functions by
 2774 county officers; the county seats; and the municipalities and
 2775 special districts of the state, their powers, jurisdiction, and
 2776 government.

2777 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
 2778 office when this article becomes effective shall continue in
 2779 office for the remainder of the term if that office is not
 2780 abolished. If the office is abolished, the incumbent shall be
 2781 paid adequate compensation, to be fixed by law, for the loss of
 2782 emoluments for the remainder of the term.

2783 (d) ORDINANCES. Local laws relating only to unincorporated
 2784 areas of a county on the effective date of this article may be

2785 amended or repealed by county ordinance.

2786 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
 2787 10, 11, and 24, of the Constitution of 1885, as amended, shall
 2788 remain in full force and effect as to each county affected, as if
 2789 this article had not been adopted, until that county shall
 2790 expressly adopt a charter or home rule plan pursuant to this
 2791 article. All provisions of the Metropolitan Dade County Home
 2792 Rule Charter, heretofore or hereafter adopted by the electors of
 2793 Dade County pursuant to Article VIII, Section 11, of the
 2794 Constitution of 1885, as amended, shall be valid, and any
 2795 amendments to such charter shall be valid; provided that the said
 2796 provisions of such charter and the said amendments thereto are
 2797 authorized under said Article VIII, Section 11, of the
 2798 Constitution of 1885, as amended.

2799 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
 2800 the extent not inconsistent with the powers of existing
 2801 municipalities or general law, the Metropolitan Government of
 2802 Dade County may exercise all the powers conferred now or
 2803 hereafter by general law upon municipalities.

2804 (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
 2805 shall have power, by joint resolution, to delete from this
 2806 article any subsection of this Section 6, including this
 2807 subsection, when all events to which the subsection to be deleted
 2808 is or could become applicable have occurred. A legislative
 2809 determination of fact made as a basis for application of this
 2810 subsection shall be subject to judicial review.

2811 ARTICLE IX

2812 EDUCATION

2813

2814 SECTION 1. Public education.--

2815 (a) The education of children is a fundamental value of the
 2816 people of the State of Florida. It is, therefore, a paramount
 2817 duty of the state to make adequate provision for the education of
 2818 all children residing within its borders. Adequate provision
 2819 shall be made by law for a uniform, efficient, safe, secure, and
 2820 high quality system of free public schools that allows students
 2821 to obtain a high quality education and for the establishment,
 2822 maintenance, and operation of institutions of higher learning and
 2823 other public education programs that the needs of the people may
 2824 require. To assure that children attending public schools obtain
 2825 a high quality education, the legislature shall make adequate
 2826 provision to ensure that, by the beginning of the 2010 school
 2827 year, there are a sufficient number of classrooms so that:

2828 (1) The maximum number of students who are assigned to each
 2829 teacher who is teaching in public school classrooms for
 2830 prekindergarten through grade 3 does not exceed 18 students;

2831 (2) The maximum number of students who are assigned to each
 2832 teacher who is teaching in public school classrooms for grades 4
 2833 through 8 does not exceed 22 students; and

2834 (3) The maximum number of students who are assigned to each
 2835 teacher who is teaching in public school classrooms for grades 9
 2836 through 12 does not exceed 25 students.

2837
 2838 The class size requirements of this subsection do not apply to
 2839 extracurricular classes. Payment of the costs associated with
 2840 reducing class size to meet these requirements is the
 2841 responsibility of the state and not of local school ~~schools~~
 2842 districts. ~~Beginning with the 2003-2004 fiscal year, The~~

2843 legislature shall provide sufficient funds to reduce the average
 2844 number of students in each classroom by at least two students per
 2845 year until the maximum number of students per classroom does not
 2846 exceed the requirements of this subsection.

2847 (b) Every four-year-old ~~four-year-old~~ child in Florida
 2848 shall be provided by the State a high-quality ~~high-quality~~ pre-
 2849 kindergarten learning opportunity in the form of an early
 2850 childhood development and education program which shall be
 2851 voluntary, high quality, free, and delivered according to
 2852 professionally accepted standards. An early childhood development
 2853 and education program means an organized program designed to
 2854 address and enhance each child's ability to make age-appropriate
 2855 ~~age-appropriate~~ progress in an appropriate range of settings in
 2856 the development of language and cognitive capabilities and
 2857 emotional, social, regulatory, and moral capacities through
 2858 education in basic skills and such other skills as the
 2859 Legislature may determine to be appropriate.

2860 (c) The early childhood education and development programs
 2861 provided by reason of subsection ~~subparagraph~~ (b) shall be
 2862 implemented ~~no later than the beginning of the 2005 school year~~
 2863 through funds generated in addition to those used for existing
 2864 education, health, and development programs. Existing education,
 2865 health, and development programs are those funded by the State as
 2866 of January 1, 2002, that provided for child or adult education,
 2867 health care, or development.

2868 SECTION 2. State board of education.--The state board of
 2869 education shall be a body corporate and have such supervision of
 2870 the system of free public education as is provided by law. The
 2871 state board of education shall consist of seven members appointed

2872 | by the governor to staggered 4-year terms, subject to
2873 | confirmation by the senate. The state board of education shall
2874 | appoint the commissioner of education.

2875 | SECTION 3. Terms of appointive board members.--Members of
2876 | any appointive board dealing with education may serve terms in
2877 | excess of four years as provided by law.

2878 | SECTION 4. School districts; school boards.--

2879 | (a) Each county shall constitute a school district, +
2880 | provided that, two or more contiguous counties, upon vote of the
2881 | electors of each county pursuant to law, may be combined into one
2882 | school district. In each school district, + there shall be a
2883 | school board composed of five or more members chosen by vote of
2884 | the electors in a nonpartisan election for appropriately
2885 | staggered terms of four years, as provided by law.

2886 | (b) The school board shall operate, control, + and supervise
2887 | all free public schools within the school district and determine
2888 | the rate of school district taxes within the limits prescribed
2889 | herein. Two or more school districts may operate and finance
2890 | joint educational programs.

2891 | SECTION 5. Superintendent of schools.--In each school
2892 | district, + there shall be a superintendent of schools who shall be
2893 | elected at the general election in each year the number of which
2894 | is a multiple of four for a term of four years; or, when provided
2895 | by resolution of the district school board, or by special law,
2896 | approved by vote of the electors, the district school
2897 | superintendent in any school district shall be employed by the
2898 | district school board as provided by general law. The resolution
2899 | or special law may be rescinded or repealed by either procedure
2900 | after four years.

2901 SECTION 6. State school fund.--The income derived from the
 2902 state school fund shall, and the principal of the fund may, be
 2903 appropriated, but only to the support and maintenance of free
 2904 public schools.

2905 SECTION 7. State University System.--

2906 (a) PURPOSES. In order to achieve excellence through
 2907 teaching students, advancing research and providing public
 2908 service for the benefit of Florida's citizens, their communities
 2909 and economies, the people hereby establish a system of governance
 2910 for the state university system of Florida.

2911 (b) STATE UNIVERSITY SYSTEM. There shall be a single state
 2912 university system comprised of all public universities. A board
 2913 of trustees shall administer each public university and a board
 2914 of governors shall govern the state university system.

2915 (c) LOCAL BOARDS OF TRUSTEES. Each local constituent
 2916 university shall be administered by a board of trustees
 2917 consisting of thirteen members dedicated to the purposes of the
 2918 state university system. The board of governors shall establish
 2919 the powers and duties of the boards of trustees. Each board of
 2920 trustees shall consist of six citizen members appointed by the
 2921 governor and five citizen members appointed by the board of
 2922 governors. The appointed members shall be confirmed by the senate
 2923 and serve staggered terms of five years as provided by law. The
 2924 chair of the faculty senate, or the equivalent, and the president
 2925 of the student body of the university shall also be members.

2926 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors
 2927 shall be a body corporate consisting of seventeen members. The
 2928 board shall operate, regulate, control, and be fully responsible
 2929 for the management of the whole university system. These

2930 responsibilities shall include, but not be limited to, defining
 2931 the distinctive mission of each constituent university and its
 2932 articulation with free public schools and community colleges,
 2933 ensuring the well-planned coordination and operation of the
 2934 system, and avoiding wasteful duplication of facilities or
 2935 programs. The board's management shall be subject to the powers
 2936 of the legislature to appropriate for the expenditure of funds,
 2937 and the board shall account for such expenditures as provided by
 2938 law. The governor shall appoint to the board fourteen citizens
 2939 dedicated to the purposes of the state university system. The
 2940 appointed members shall be confirmed by the senate and serve
 2941 staggered terms of seven years as provided by law. The
 2942 commissioner of education, the chair of the advisory council of
 2943 faculty senates, or the equivalent, and the president of the
 2944 Florida student association, or the equivalent, shall also be
 2945 members of the board.

ARTICLE X

MISCELLANEOUS

2948
 2949 SECTION 1. Amendments to United States Constitution.--The
 2950 legislature shall not take action on any proposed amendment to
 2951 the constitution of the United States unless a majority of the
 2952 members thereof have been elected after the proposed amendment
 2953 has been submitted for ratification.

SECTION 2. Militia.--

2954
 2955 (a) The militia shall be composed of all able-bodied
 2956 ~~able-bodied~~ inhabitants of the state who are or have declared
 2957 their intention to become citizens of the United States, ~~and~~ and no
 2958 person because of religious creed or opinion shall be exempted

2959 from military duty except upon conditions provided by law.

2960 (b) The organizing, equipping, housing, maintaining, and
 2961 disciplining of the militia, and the safekeeping of public arms
 2962 may be provided for by law.

2963 (c) The governor shall appoint all commissioned officers of
 2964 the militia, including an adjutant general who shall be chief of
 2965 staff. The appointment of all general officers shall be subject
 2966 to confirmation by the senate.

2967 (d) The qualifications of personnel and officers of the
 2968 federally recognized national guard, including the adjutant
 2969 general, and the grounds and proceedings for their discipline and
 2970 removal shall conform to the appropriate United States Army or
 2971 Air Force regulations and usages.

2972 SECTION 3. Vacancy in office.--Vacancy in office shall
 2973 occur upon the creation of an office, upon the death, removal
 2974 from office, or resignation of the incumbent or the incumbent's
 2975 succession to another office, unexplained absence for sixty
 2976 consecutive days, or failure to maintain the residence required
 2977 when elected or appointed, and upon failure of one elected or
 2978 appointed to office to qualify within thirty days from the
 2979 commencement of the term.

2980 SECTION 4. Homestead; exemptions.--

2981 (a) There shall be exempt from forced sale under process of
 2982 any court, and no judgment, decree, or execution shall be a lien
 2983 thereon, except for the payment of taxes and assessments thereon,
 2984 obligations contracted for the purchase, improvement, or repair
 2985 thereof, or obligations contracted for house, field, or other
 2986 labor performed on the realty, the following property owned by a
 2987 natural person:

2988 (1) A homestead, if located outside a municipality, to the
 2989 extent of one hundred sixty acres of contiguous land and
 2990 improvements thereon, which shall not be reduced without the
 2991 owner's consent by reason of subsequent inclusion in a
 2992 municipality; or if located within a municipality, to the extent
 2993 of one-half acre of contiguous land, upon which the exemption
 2994 shall be limited to the residence of the owner or the owner's
 2995 family;

2996 (2) Personal property to the value of one thousand dollars.

2997 (b) These exemptions shall inure to the surviving spouse or
 2998 heirs of the owner.

2999 (c) The homestead shall not be subject to devise if the
 3000 owner is survived by spouse or minor child, except the homestead
 3001 may be devised to the owner's spouse if there be no minor child.

3002 The owner of homestead real estate, joined by the spouse if
 3003 married, may alienate the homestead by mortgage, sale, or gift
 3004 and, if married, may by deed transfer the title to an estate by
 3005 the entirety with the spouse. If the owner or spouse is
 3006 incompetent, the method of alienation or encumbrance shall be as
 3007 provided by law.

3008 SECTION 5. Coverture and property.--There shall be no
 3009 distinction between married women and married men in the holding,
 3010 control, disposition, or encumbering of their property, both real
 3011 and personal; except that dower or curtesy may be established and
 3012 regulated by law.

3013 SECTION 6. Eminent domain.--

3014 (a) No private property shall be taken except for a public
 3015 purpose and with full compensation therefor paid to each owner or
 3016 secured by deposit in the registry of the court and available to

3017 the owner.

3018 (b) Provision may be made by law for the taking of
 3019 easements, by like proceedings, for the drainage of the land of
 3020 one person over or through the land of another.

3021 SECTION 7. Lotteries.--Lotteries, other than the types of
 3022 pari-mutuel pools authorized by law as of the effective date of
 3023 this constitution, are hereby prohibited in this state.

3024 SECTION 8. Census.--

3025 (a) Each decennial census of the state taken by the United
 3026 States shall be an official census of the state.

3027 (b) Each decennial census, for the purpose of
 3028 classifications based upon population, shall become effective on
 3029 the thirtieth day after the final adjournment of the regular
 3030 session of the legislature convened next after certification of
 3031 the census.

3032 SECTION 9. Repeal of criminal statutes.--Repeal or
 3033 amendment of a criminal statute shall not affect prosecution or
 3034 punishment for any crime previously committed.

3035 SECTION 10. Felony; definition.--The term "felony," as used
 3036 herein and in the laws of this state, shall mean any criminal
 3037 offense that is punishable under the laws of this state, or that
 3038 would be punishable if committed in this state, by death or by
 3039 imprisonment in the state penitentiary.

3040 SECTION 11. Sovereignty lands.--The title to lands under
 3041 navigable waters, within the boundaries of the state, which have
 3042 not been alienated, including beaches below mean high water
 3043 lines, is held by the state, by virtue of its sovereignty, in
 3044 trust for all the people. Sale of such lands may be authorized by
 3045 law, but only when in the public interest. Private use of

3046 portions of such lands may be authorized by law, but only when
3047 not contrary to the public interest.

3048 SECTION 12. Rules of construction.--Unless qualified in the
3049 text, the following rules of construction shall apply to this
3050 constitution.

3051 (a) "Herein" refers to the entire constitution.

3052 (b) The singular includes the plural.

3053 (c) The masculine includes the feminine.

3054 (d) "Vote of the electors" means the vote of the majority
3055 of those voting on the matter in an election, general or special,
3056 in which those participating are limited to the electors of the
3057 governmental unit referred to in the text.

3058 (e) Vote or other action of a legislative house or other
3059 governmental body means the vote or action of a majority or other
3060 specified percentage of those members voting on the matter. "Of
3061 the membership" means "of all members thereof."

3062 (f) The terms "judicial office," "justices," and "judges"
3063 shall not include judges of courts established solely for the
3064 trial of violations of ordinances.

3065 (g) "Special law" means a special or local law.

3066 (h) Titles and subtitles shall not be used in construction.

3067 SECTION 13. Suits against the state.--Provision may be made
3068 by general law for bringing suit against the state as to all
3069 liabilities now existing or hereafter originating.

3070 SECTION 14. State retirement systems benefit changes.--A
3071 governmental unit responsible for any retirement or pension
3072 system supported in whole or in part by public funds shall not,
3073 after January 1, 1977, provide any increase in the benefits to
3074 the members or beneficiaries of such system unless such unit has

3075 made or concurrently makes provision for the funding of the
 3076 increase in benefits on a sound actuarial basis.

3077 SECTION 15. State operated lotteries.--

3078 (a) Lotteries may be operated by the state.

3079 (b) If any subsection or subsections of the amendment to
 3080 the Florida Constitution are held unconstitutional for containing
 3081 more than one subject, this amendment shall be limited to
 3082 subsection (a) above.

3083 (c) This amendment shall be implemented as follows:

3084 (1) Schedule--On the effective date of this amendment, the
 3085 lotteries shall be known as the Florida Education Lotteries. Net
 3086 proceeds derived from the lotteries shall be deposited to a state
 3087 trust fund, to be designated The State Education Lotteries Trust
 3088 Fund, to be appropriated by the Legislature. The schedule may be
 3089 amended by general law.

3090 SECTION 16. Limiting marine net fishing.--

3091 (a) The marine resources of the State of Florida belong to
 3092 all of the people of the state and should be conserved and
 3093 managed for the benefit of the state, its people, and future
 3094 generations. To this end, the people hereby enact limitations on
 3095 marine net fishing in Florida waters to protect saltwater
 3096 finfish, shellfish, and other marine animals from unnecessary
 3097 killing, overfishing, and waste.

3098 (b) For the purpose of catching or taking any saltwater
 3099 finfish, shellfish, or other marine animals in Florida waters:

3100 (1) No gill nets or other entangling nets shall be used in
 3101 any Florida waters; and

3102 (2) In addition to the prohibition set forth in paragraph
 3103 (1), no other type of net containing more than 500 square feet of

3104 mesh area shall be used in nearshore and inshore Florida waters.
 3105 Additionally, no more than two such nets, which shall not be
 3106 connected, shall be used from any vessel, and no person not on a
 3107 vessel shall use more than one such net in nearshore and inshore
 3108 Florida waters.

3109 (c) For purposes of this section:

3110 (1) "Gill net" means one or more walls of netting which
 3111 captures saltwater finfish by ensnaring or entangling them in the
 3112 meshes of the net by the gills, and "entangling net" means a
 3113 drift net, trammell net, stab net, or any other net which
 3114 captures saltwater finfish, shellfish, or other marine animals by
 3115 causing all or part of heads, fins, legs, or other body parts to
 3116 become entangled or ensnared in the meshes of the net, but a
 3117 hand-thrown ~~hand-thrown~~ cast net is not a gill net or an
 3118 entangling net;

3119 (2) "Mesh area" of a net means the total area of netting
 3120 with the meshes open to comprise the maximum square footage. The
 3121 square footage shall be calculated using standard mathematical
 3122 formulas for geometric shapes. Seines and other rectangular nets
 3123 shall be calculated using the maximum length and maximum width of
 3124 the netting. Trawls and other bag type nets shall be calculated
 3125 as a cone using the maximum circumference of the net mouth to
 3126 derive the radius, and the maximum length from the net mouth to
 3127 the tail end of the net to derive the slant height. Calculations
 3128 for any other nets or combination type nets shall be based on the
 3129 shapes of the individual components;

3130 (3) "Coastline" means the territorial sea base line for the
 3131 State of Florida established pursuant to the laws of the United
 3132 States of America;

3133 (4) "Florida waters" means the waters of the Atlantic
 3134 Ocean, the Gulf of Mexico, the Straits of Florida, and any other
 3135 bodies of water under the jurisdiction of the State of Florida,
 3136 whether coastal, intracoastal, or inland, and any part thereof;
 3137 and

3138 (5) "Nearshore and inshore Florida waters" means all
 3139 Florida waters inside a line three miles seaward of the coastline
 3140 along the Gulf of Mexico and inside a line one mile seaward of
 3141 the coastline along the Atlantic Ocean.

3142 (d) This section shall not apply to the use of nets for
 3143 scientific research or governmental purposes.

3144 (e) Persons violating this section shall be prosecuted and
 3145 punished pursuant to the penalties provided in s. section
 3146 370.021(2)(a), (b), (c)6. and 7., and (e), Florida Statutes (1991),
 3147 unless and until the legislature enacts more stringent penalties
 3148 for violations hereof. On and after the effective date of this
 3149 section, law enforcement officers in the state are authorized to
 3150 enforce the provisions of this section in the same manner and
 3151 authority as if a violation of this section constituted a
 3152 violation of chapter 370, Florida Statutes (1991).

3153 (f) It is the intent of this section that implementing
 3154 legislation is not required for enforcing any violations hereof,
 3155 but nothing in this section prohibits the establishment by law or
 3156 pursuant to law of more restrictions on the use of nets for the
 3157 purpose of catching or taking any saltwater finfish, shellfish,
 3158 or other marine animals.

3159 (g) If any portion of this section is held invalid for any
 3160 reason, the remaining portion of this section, to the fullest
 3161 extent possible, shall be severed from the void portion and given

3162 the fullest possible force and application.

3163 (h) This section shall take effect on the July 1 next
 3164 occurring after approval hereof by vote of the electors.

3165 SECTION 17. Everglades Trust Fund.--

3166 (a) There is hereby established the Everglades Trust Fund,
 3167 which shall not be subject to termination pursuant to Article
 3168 III, Section 19(f). The purpose of the Everglades Trust Fund is
 3169 to make funds available to assist in conservation and protection
 3170 of natural resources and abatement of water pollution in the
 3171 Everglades Protection Area and the Everglades Agricultural Area.
 3172 The trust fund shall be administered by the South Florida Water
 3173 Management District, or its successor agency, consistent with
 3174 statutory law.

3175 (b) The Everglades Trust Fund may receive funds from any
 3176 source, including gifts from individuals, corporations, or other
 3177 entities; funds from general revenue as determined by the
 3178 Legislature; and any other funds so designated by the
 3179 Legislature, by the United States Congress, or by any other
 3180 governmental entity.

3181 (c) Funds deposited to the Everglades Trust Fund shall be
 3182 expended for purposes of conservation and protection of natural
 3183 resources and abatement of water pollution in the Everglades
 3184 Protection Area and Everglades Agricultural Area.

3185 (d) For purposes of this subsection, the terms "Everglades
 3186 Protection Area," "Everglades Agricultural Area," and "South
 3187 Florida Water Management District" shall have the meanings as
 3188 defined in statutes in effect on January 1, 1996.

3189 SECTION 18. Disposition of conservation lands.--The fee
 3190 interest in real property held by an entity of the state and

3191 designated for natural resources conservation purposes as
 3192 provided by general law shall be managed for the benefit of the
 3193 citizens of this state and may be disposed of only if the members
 3194 of the governing board of the entity holding title determine the
 3195 property is no longer needed for conservation purposes and only
 3196 upon a vote of two-thirds of the governing board.

3197 SECTION 19. High speed ground transportation system.--To
 3198 reduce traffic congestion and provide alternatives to the
 3199 traveling public, it is hereby declared to be in the public
 3200 interest that a high speed ground transportation system
 3201 consisting of a monorail, fixed guideway or magnetic levitation
 3202 system, capable of speeds in excess of 120 miles per hour, be
 3203 developed and operated in the State of Florida to provide high
 3204 speed ground transportation by innovative, efficient and
 3205 effective technologies consisting of dedicated rails or guideways
 3206 separated from motor vehicular traffic that will link the five
 3207 largest urban areas of the State as determined by the Legislature
 3208 and provide for access to existing air and ground transportation
 3209 facilities and services. The Legislature, the Cabinet and the
 3210 Governor are hereby directed to proceed with the development of
 3211 such a system by the State and/or by a private entity pursuant to
 3212 state approval and authorization, including the acquisition of
 3213 right-of-way, the financing of design and construction of the
 3214 system, and the operation of the system, as provided by specific
 3215 appropriation and by law, with construction to begin on or before
 3216 November 1, 2003.

3217 SECTION 20. Workplaces without tobacco smoke.--

3218 (a) PROHIBITION. As a Florida health initiative to protect
 3219 people from the health hazards of second-hand tobacco smoke,

3220 tobacco smoking is prohibited in enclosed indoor workplaces.

3221 (b) EXCEPTIONS. As further explained in the definitions
 3222 below, tobacco smoking may be permitted in private residences
 3223 whenever they are not being used commercially to provide child
 3224 care, adult care, or health care, or any combination thereof; and
 3225 further may be permitted in retail tobacco shops, designated
 3226 smoking guest rooms at hotels and other public lodging
 3227 establishments; and stand-alone bars. However, nothing in this
 3228 section or in its implementing legislation or regulations shall
 3229 prohibit the owner, lessee, or other person in control of the use
 3230 of an enclosed indoor workplace from further prohibiting or
 3231 limiting smoking therein.

3232 (c) DEFINITIONS. For purposes of this section, the
 3233 following words and terms shall have the stated meanings:

3234 (1) "Smoking" means inhaling, exhaling, burning, carrying,
 3235 or possessing any lighted tobacco product, including cigarettes,
 3236 cigars, pipe tobacco, and any other lighted tobacco product.

3237 (2) "Second-hand smoke," also known as environmental
 3238 tobacco smoke (ETS), means smoke emitted from lighted,
 3239 smoldering, or burning tobacco when the smoker is not inhaling;
 3240 smoke emitted at the mouthpiece during puff drawing; and smoke
 3241 exhaled by the smoker.

3242 (3) "Work" means any person's providing any employment or
 3243 employment-type service for or at the request of another
 3244 individual or individuals or any public or private entity,
 3245 whether for compensation or not, whether full or part-time,
 3246 whether legally or not. "Work" includes, without limitation, any
 3247 such service performed by an employee, independent contractor,
 3248 agent, partner, proprietor, manager, officer, director,

3249 apprentice, trainee, associate, servant, volunteer, and the like.

3250 (4) "Enclosed indoor workplace" means any place where one
 3251 or more persons engages in work, and which place is predominantly
 3252 or totally bounded on all sides and above by physical barriers,
 3253 regardless of whether such barriers consist of or include
 3254 uncovered openings, screened or otherwise partially covered
 3255 openings; or open or closed windows, жалousies, doors, or the
 3256 like. This section applies to all such enclosed indoor workplaces
 3257 without regard to whether work is occurring at any given time.

3258 (5) "Commercial" use of a private residence means any time
 3259 during which the owner, lessee, or other person occupying or
 3260 controlling the use of the private residence is furnishing in the
 3261 private residence, or causing or allowing to be furnished in the
 3262 private residence, child care, adult care, or health care, or any
 3263 combination thereof, and receiving or expecting to receive
 3264 compensation therefor.

3265 (6) "Retail tobacco shop" means any enclosed indoor
 3266 workplace dedicated to or predominantly for the retail sale of
 3267 tobacco, tobacco products, and accessories for such products, in
 3268 which the sale of other products or services is merely
 3269 incidental.

3270 (7) "Designated smoking guest rooms at public lodging
 3271 establishments" means the sleeping rooms and directly associated
 3272 private areas, such as bathrooms, living rooms, and kitchen
 3273 areas, if any, rented to guests for their exclusive transient
 3274 occupancy in public lodging establishments including hotels,
 3275 motels, resort condominiums, transient apartments, transient
 3276 lodging establishments, rooming houses, boarding houses, resort
 3277 dwellings, bed and breakfast inns, and the like; and designated

3278 | by the person or persons having management authority over such
 3279 | public lodging establishment as rooms in which smoking may be
 3280 | permitted.

3281 | (8) "Stand-alone bar" means any place of business devoted
 3282 | during any time of operation predominantly or totally to serving
 3283 | alcoholic beverages, intoxicating beverages, or intoxicating
 3284 | liquors, or any combination thereof, for consumption on the
 3285 | licensed premises; in which the serving of food, if any, is
 3286 | merely incidental to the consumption of any such beverage; and
 3287 | that is not located within, and does not share any common
 3288 | entryway or common indoor area with, any other enclosed indoor
 3289 | workplace including any business for which the sale of food or
 3290 | any other product or service is more than an incidental source of
 3291 | gross revenue.

3292 | (d) LEGISLATION. In the next regular legislative session
 3293 | occurring after voter approval of this amendment, the Florida
 3294 | Legislature shall adopt legislation to implement this amendment
 3295 | in a manner consistent with its broad purpose and stated terms,
 3296 | and having an effective date no later than July 1 of the year
 3297 | following voter approval. Such legislation shall include, without
 3298 | limitation, civil penalties for violations of this section;
 3299 | provisions for administrative enforcement; and the requirement
 3300 | and authorization of agency rules for implementation and
 3301 | enforcement. Nothing herein shall preclude the Legislature from
 3302 | enacting any law constituting or allowing a more restrictive
 3303 | regulation of tobacco smoking than is provided in this section.

3304 | SECTION 21. Limiting cruel and inhumane confinement of pigs
 3305 | during pregnancy.--Inhumane treatment of animals is a concern of
 3306 | Florida citizens. To prevent cruelty to certain animals and as

3307 recommended by The Humane Society of the United States, the
3308 people of the State of Florida hereby limit the cruel and
3309 inhumane confinement of pigs during pregnancy as provided herein.

3310 (a) It shall be unlawful for any person to confine a pig
3311 during pregnancy in an enclosure, or to tether a pig during
3312 pregnancy, on a farm in such a way that she is prevented from
3313 turning around freely.

3314 (b) This section shall not apply:

3315 (1) When a pig is undergoing an examination, test,
3316 treatment, or operation carried out for veterinary purposes,
3317 provided the period during which the animal is confined or
3318 tethered is not longer than reasonably necessary.

3319 (2) During the prebirthing period.

3320 (c) For purposes of this section:

3321 (1) "Enclosure" means any cage, crate, or other enclosure
3322 in which a pig is kept for all or the majority of any day,
3323 including what is commonly described as the "gestation crate."

3324 (2) "Farm" means the land, buildings, support facilities,
3325 and other appurtenances used in the production of animals for
3326 food or fiber.

3327 (3) "Person" means any natural person, corporation, and/or
3328 business entity.

3329 (4) "Pig" means any animal of the porcine species.

3330 (5) "Turning around freely" means turning around without
3331 having to touch any side of the pig's enclosure.

3332 (6) "Prebirthing period" means the seven day period prior
3333 to a pig's expected date of giving birth.

3334 (d) A person who violates this section shall be guilty of a
3335 misdemeanor of the first degree, punishable as provided in s.

3336 775.082(4)(a), Florida Statutes (1999), as amended, or by a fine
 3337 of not more than \$5000, or by both imprisonment and a fine,
 3338 unless and until the legislature enacts more stringent penalties
 3339 for violations hereof. On and after the effective date of this
 3340 section, law enforcement officers in the state are authorized to
 3341 enforce the provisions of this section in the same manner and
 3342 authority as if a violation of this section constituted a
 3343 violation of s. Section 828.13, Florida Statutes (1999). The
 3344 confinement or tethering of each pig shall constitute a separate
 3345 offense. The knowledge or acts of agents and employees of a
 3346 person in regard to a pig owned, farmed, or in the custody of a
 3347 person, shall be held to be the knowledge or act of such person.

3348 (e) It is the intent of this section that implementing
 3349 legislation is not required for enforcing any violations hereof.

3350 (f) If any portion of this section is held invalid for any
 3351 reason, the remaining portion of this section, to the fullest
 3352 extent possible, shall be severed from the void portion and given
 3353 the fullest possible force and application.

3354 (g) This section shall take effect six years after approval
 3355 by the electors.

3356 SECTION 22. Parental notice of termination of a minor's
 3357 pregnancy.--The Legislature shall not limit or deny the privacy
 3358 right guaranteed to a minor under the United States Constitution
 3359 as interpreted by the United States Supreme Court.
 3360 Notwithstanding a minor's right of privacy provided in Section 23
 3361 of Article I, the Legislature is authorized to require by general
 3362 law for notification to a parent or guardian of a minor before
 3363 the termination of the minor's pregnancy. The Legislature shall
 3364 provide exceptions to such requirement for notification and shall

3365 create a process for judicial waiver of the notification.

3366 SECTION 23. Slot machines.--

3367 (a) After voter approval of this constitutional amendment,
 3368 the governing bodies of Miami-Dade and Broward Counties each may
 3369 hold a county-wide referendum in their respective counties on
 3370 whether to authorize slot machines within existing, licensed
 3371 pari-mutuel ~~parimutuel~~-facilities (thoroughbred and harness
 3372 racing, greyhound racing, and jai-alai) that have conducted live
 3373 racing or games in that county during each of the last two
 3374 calendar years before the effective date of this amendment. If
 3375 the voters of such county approve the referendum question by
 3376 majority vote, slot machines shall be authorized in such
 3377 parimutuel facilities. If the voters of such county by majority
 3378 vote disapprove the referendum question, slot machines shall not
 3379 be so authorized, and the question shall not be presented in
 3380 another referendum in that county for at least two years.

3381 (b) In the next regular Legislative session occurring after
 3382 voter approval of this constitutional amendment, the Legislature
 3383 shall adopt legislation implementing this section and having an
 3384 effective date no later than July 1 of the year following voter
 3385 approval of this amendment. Such legislation shall authorize
 3386 agency rules for implementation, and may include provisions for
 3387 the licensure and regulation of slot machines. The Legislature
 3388 may tax slot machine revenues, and any such taxes must supplement
 3389 public education funding statewide.

3390 (c) If any part of this section is held invalid for any
 3391 reason, the remaining portion or portions shall be severed from
 3392 the invalid portion and given the fullest possible force and
 3393 effect.

3394 (d) This amendment shall become effective when approved by
 3395 vote of the electors of the state.

3396 SECTION 24. Florida minimum wage.--

3397 (a) PUBLIC POLICY. All working Floridians are entitled to
 3398 be paid a minimum wage that is sufficient to provide a decent and
 3399 healthy life for them and their families, that protects their
 3400 employers from unfair low-wage competition, and that does not
 3401 force them to rely on taxpayer-funded public services in order to
 3402 avoid economic hardship.

3403 (b) DEFINITIONS. As used in this amendment, the terms
 3404 "employer," "employee," and "wage" shall have the meanings
 3405 established under the federal Fair Labor Standards Act (FLSA) and
 3406 its implementing regulations.

3407 (c) MINIMUM WAGE. Employers shall pay employees wages no
 3408 less than the minimum wage for all hours worked in Florida. Six
 3409 months after enactment, the minimum wage shall be established at
 3410 an hourly rate of \$6.15. On September 30th of that year and on
 3411 each following September 30th, the state Agency for Workforce
 3412 Innovation shall calculate an adjusted minimum wage rate by
 3413 increasing the current minimum wage rate by the rate of inflation
 3414 during the twelve months prior to each September 1st using the
 3415 consumer price index for urban wage earners and clerical workers,
 3416 CPI-W, or a successor index as calculated by the United States
 3417 Department of Labor. Each adjusted minimum wage rate calculated
 3418 shall be published and take effect on the following January 1st.
 3419 For tipped employees meeting eligibility requirements for the tip
 3420 credit under the FLSA, employers may credit towards satisfaction
 3421 of the minimum wage tips up to the amount of the allowable FLSA
 3422 tip credit in 2003.

3423 (d) RETALIATION PROHIBITED. It shall be unlawful for an
 3424 employer or any other party to discriminate in any manner or take
 3425 adverse action against any person in retaliation for exercising
 3426 rights protected under this amendment. Rights protected under
 3427 this amendment include, but are not limited to, the right to file
 3428 a complaint or inform any person about any party's alleged
 3429 noncompliance with this amendment, and the right to inform any
 3430 person of his or her potential rights under this amendment and to
 3431 assist him or her in asserting such rights.

3432 (e) ENFORCEMENT. Persons aggrieved by a violation of this
 3433 amendment may bring a civil action in a court of competent
 3434 jurisdiction against an employer or person violating this
 3435 amendment and, upon prevailing, shall recover the full amount of
 3436 any back wages unlawfully withheld plus the same amount as
 3437 liquidated damages, and shall be awarded reasonable attorney's
 3438 fees and costs. In addition, they shall be entitled to such legal
 3439 or equitable relief as may be appropriate to remedy the violation
 3440 including, without limitation, reinstatement in employment and/or
 3441 injunctive relief. Any employer or other person found liable for
 3442 willfully violating this amendment shall also be subject to a
 3443 fine payable to the state in the amount of \$1000.00 for each
 3444 violation. The state attorney general or other official
 3445 designated by the state legislature may also bring a civil action
 3446 to enforce this amendment. Actions to enforce this amendment
 3447 shall be subject to a statute of limitations of four years or, in
 3448 the case of willful violations, five years. Such actions may be
 3449 brought as a class action pursuant to Rule 1.220 of the Florida
 3450 Rules of Civil Procedure.

3451 (f) ADDITIONAL LEGISLATION, IMPLEMENTATION, AND

3452 CONSTRUCTION. Implementing legislation is not required in order
 3453 to enforce this amendment. The state legislature may by statute
 3454 establish additional remedies or fines for violations of this
 3455 amendment, raise the applicable minimum wage rate, reduce the tip
 3456 credit, or extend coverage of the minimum wage to employers or
 3457 employees not covered by this amendment. The state legislature
 3458 may by statute or the state Agency for Workforce Innovation may
 3459 by regulation adopt any measures appropriate for the
 3460 implementation of this amendment. This amendment provides for
 3461 payment of a minimum wage and shall not be construed to preempt
 3462 or otherwise limit the authority of the state legislature or any
 3463 other public body to adopt or enforce any other law, regulation,
 3464 requirement, policy, or standard that provides for payment of
 3465 higher or supplemental wages or benefits, or that extends such
 3466 protections to employers or employees not covered by this
 3467 amendment. It is intended that case law, administrative
 3468 interpretations, and other guiding standards developed under the
 3469 federal FLSA shall guide the construction of this amendment and
 3470 any implementing statutes or regulations.

3471 (g) SEVERABILITY. If any part of this amendment, or the
 3472 application of this amendment to any person or circumstance, is
 3473 held invalid, the remainder of this amendment, including the
 3474 application of such part to other persons or circumstances, shall
 3475 not be affected by such a holding and shall continue in full
 3476 force and effect. To this end, the parts of this amendment are
 3477 severable.

3478 SECTION 25. Patients' right to know about adverse medical
 3479 incidents.--

3480 (a) In addition to any other similar rights provided herein

3481 or by general law, patients have a right to have access to any
 3482 records made or received in the course of business by a health
 3483 care facility or provider relating to any adverse medical
 3484 incident.

3485 (b) In providing such access, the identity of patients
 3486 involved in the incidents shall not be disclosed, and any privacy
 3487 restrictions imposed by federal law shall be maintained.

3488 (c) For purposes of this section, the following terms have
 3489 the following meanings:

3490 (1) The phrases "health care facility" and "health care
 3491 provider" have the meaning given in general law related to a
 3492 patient's rights and responsibilities.

3493 (2) The term "patient" means an individual who has sought,
 3494 is seeking, is undergoing, or has undergone care or treatment in
 3495 a health care facility or by a health care provider.

3496 (3) The phrase "adverse medical incident" means medical
 3497 negligence, intentional misconduct, and any other act, neglect,
 3498 or default of a health care facility or health care provider that
 3499 caused or could have caused injury to or death of a patient,
 3500 including, but not limited to, those incidents that are required
 3501 by state or federal law to be reported to any governmental agency
 3502 or body, and incidents that are reported to or reviewed by any
 3503 health care facility peer review, risk management, quality
 3504 assurance, credentials, or similar committee, or any
 3505 representative of any such committees.

3506 (4) The phrase "have access to any records" means, in
 3507 addition to any other procedure for producing such records
 3508 provided by general law, making the records available for
 3509 inspection and copying upon formal or informal request by the

3510 patient or a representative of the patient, provided that current
3511 records which have been made publicly available by publication or
3512 on the Internet may be "provided" by reference to the location at
3513 which the records are publicly available.

3514 SECTION 26. Prohibition of medical license after repeated
3515 medical malpractice.--

3516 (a) No person who has been found to have committed three or
3517 more incidents of medical malpractice shall be licensed or
3518 continue to be licensed by the State of Florida to provide health
3519 care services as a medical doctor.

3520 (b) For purposes of this section, the following terms have
3521 the following meanings:

3522 (1) The phrase "medical malpractice" means both the failure
3523 to practice medicine in Florida with that level of care, skill,
3524 and treatment recognized in general law related to health care
3525 providers' licensure, and any similar wrongful act, neglect, or
3526 default in other states or countries which, if committed in
3527 Florida, would have been considered medical malpractice.

3528 (2) The phrase "found to have committed" means that the
3529 malpractice has been found in a final judgment of a court of law,
3530 final administrative agency decision, or decision of binding
3531 arbitration.

3532 ARTICLE XI

3533 AMENDMENTS

3534

3535 SECTION 1. Proposal by legislature.--Amendment of a section
3536 or revision of one or more articles, or the whole, of this
3537 constitution may be proposed by joint resolution agreed to by
3538 three-fifths of the membership of each house of the legislature.

3539 The full text of the joint resolution and the vote of each
 3540 member voting shall be entered on the journal of each house.

3541 SECTION 2. Revision commission.--

3542 (a) Within thirty days before the convening of the 2017
 3543 regular session of the legislature, and each twentieth year
 3544 thereafter, there shall be established a constitution revision
 3545 commission composed of the following thirty-seven members:

- 3546 (1) The attorney general of the state;
- 3547 (2) Fifteen members selected by the governor;
- 3548 (3) Nine members selected by the speaker of the house of
 3549 representatives and nine members selected by the president of the
 3550 senate; and

3551 (4) Three members selected by the chief justice of the
 3552 supreme court of Florida with the advice of the justices.

3553 (b) The governor shall designate one member of the
 3554 commission as its chair. Vacancies in the membership of the
 3555 commission shall be filled in the same manner as the original
 3556 appointments.

3557 (c) Each constitution revision commission shall convene at
 3558 the call of its chair, adopt its rules of procedure, examine the
 3559 constitution of the state, hold public hearings, and, not later
 3560 than one hundred eighty days prior to the next general election,
 3561 file with the custodian of state records its proposal, if any, of
 3562 a revision of this constitution or any part of it.

3563 SECTION 3. Initiative.--The power to propose the revision
 3564 or amendment of any portion or portions of this constitution by
 3565 initiative is reserved to the people, provided that, any such
 3566 revision or amendment, except for those limiting the power of
 3567 government to raise revenue, shall embrace but one subject and

3568 matter directly connected therewith. It may be invoked by filing
 3569 with the custodian of state records a petition containing a copy
 3570 of the proposed revision or amendment, signed by a number of
 3571 electors in each of one half of the congressional districts of
 3572 the state, and of the state as a whole, equal to eight percent of
 3573 the votes cast in each of such districts respectively and in the
 3574 state as a whole in the last preceding election in which
 3575 presidential electors were chosen.

3576 SECTION 4. Constitutional convention.--

3577 (a) The power to call a convention to consider a revision
 3578 of the entire constitution is reserved to the people. It may be
 3579 invoked by filing with the custodian of state records a petition,
 3580 containing a declaration that a constitutional convention is
 3581 desired, signed by a number of electors in each of one half of
 3582 the congressional districts of the state, and of the state as a
 3583 whole, equal to fifteen per cent of the votes cast in each such
 3584 district respectively and in the state as a whole in the last
 3585 preceding election of presidential electors.

3586 (b) At the next general election held more than ninety days
 3587 after the filing of such petition, there shall be submitted to
 3588 the electors of the state the question: "Shall a constitutional
 3589 convention be held?" If a majority voting on the question votes
 3590 in the affirmative, at the next succeeding general election there
 3591 shall be elected from each representative district a member of a
 3592 constitutional convention. On the twenty-first day following that
 3593 election, the convention shall sit at the capital, elect
 3594 officers, adopt rules of procedure, judge the election of its
 3595 membership, and fix a time and place for its future meetings. Not
 3596 later than ninety days before the next succeeding general

3597 | election, the convention shall cause to be filed with the
 3598 | custodian of state records any revision of this constitution
 3599 | proposed by it.

3600 | SECTION 5. Amendment or revision election.--

3601 | (a) A proposed amendment to or revision of this
 3602 | constitution, or any part of it, shall be submitted to the
 3603 | electors at the next general election held more than ninety days
 3604 | after the joint resolution or report of revision commission,
 3605 | constitutional convention, or taxation and budget reform
 3606 | commission proposing it is filed with the custodian of state
 3607 | records, unless, pursuant to law enacted by the affirmative vote
 3608 | of three-fourths of the membership of each house of the
 3609 | legislature and limited to a single amendment or revision, it is
 3610 | submitted at an earlier special election held more than ninety
 3611 | days after such filing.

3612 | (b) A proposed amendment or revision of this constitution,
 3613 | or any part of it, by initiative shall be submitted to the
 3614 | electors at the general election provided the initiative petition
 3615 | is filed with the custodian of state records no later than
 3616 | February 1 of the year in which the general election is held.

3617 | (c) The legislature shall provide by general law, prior to
 3618 | the holding of an election pursuant to this section, for the
 3619 | provision of a statement to the public regarding the probable
 3620 | financial impact of any amendment proposed by initiative pursuant
 3621 | to section 3.

3622 | (d) Once in the tenth week, and once in the sixth week
 3623 | immediately preceding the week in which the election is held, the
 3624 | proposed amendment or revision, with notice of the date of
 3625 | election at which it will be submitted to the electors, shall be

3626 published in one newspaper of general circulation in each county
 3627 in which a newspaper is published.

3628 (e) If the proposed amendment or revision is approved by
 3629 vote of the electors, it shall be effective as an amendment to or
 3630 revision of the constitution of the state on the first Tuesday
 3631 after the first Monday in January following the election, or on
 3632 such other date as may be specified in the amendment or revision.

3633 SECTION 6. Taxation and budget reform commission.--

3634 (a) Beginning in 2007 and each twentieth year thereafter,
 3635 there shall be established a taxation and budget reform
 3636 commission composed of the following members:

3637 (1) Eleven members selected by the governor, none of whom
 3638 shall be a member of the legislature at the time of appointment.

3639 (2) Seven members selected by the speaker of the house of
 3640 representatives and seven members selected by the president of
 3641 the senate, none of whom shall be a member of the legislature at
 3642 the time of appointment.

3643 (3) Four non-voting ex officio members, all of whom shall
 3644 be members of the legislature at the time of appointment. Two of
 3645 these members, one of whom shall be a member of the minority
 3646 party in the house of representatives, shall be selected by the
 3647 speaker of the house of representatives, and two of these
 3648 members, one of whom shall be a member of the minority party in
 3649 the senate, shall be selected by the president of the senate.

3650 (b) Vacancies in the membership of the commission shall be
 3651 filled in the same manner as the original appointments.

3652 (c) At its initial meeting, the members of the commission
 3653 shall elect a member who is not a member of the legislature to
 3654 serve as chair and the commission shall adopt its rules of

3655 procedure. Thereafter, the commission shall convene at the call
 3656 of the chair. An affirmative vote of two thirds of the full
 3657 commission shall be necessary for any revision of this
 3658 constitution or any part of it to be proposed by the commission.

3659 (d) The commission shall examine the state budgetary
 3660 process, the revenue needs and expenditure processes of the
 3661 state, the appropriateness of the tax structure of the state, and
 3662 governmental productivity and efficiency; review policy as it
 3663 relates to the ability of state and local government to tax and
 3664 adequately fund governmental operations and capital facilities
 3665 required to meet the state's needs during the next twenty year
 3666 period; determine methods favored by the citizens of the state to
 3667 fund the needs of the state, including alternative methods for
 3668 raising sufficient revenues for the needs of the state; determine
 3669 measures that could be instituted to effectively gather funds
 3670 from existing tax sources; examine constitutional limitations on
 3671 taxation and expenditures at the state and local level; and
 3672 review the state's comprehensive planning, budgeting, and needs
 3673 assessment processes to determine whether the resulting
 3674 information adequately supports a strategic decisionmaking
 3675 process.

3676 (e) The commission shall hold public hearings as it deems
 3677 necessary to carry out its responsibilities under this section.
 3678 The commission shall issue a report of the results of the review
 3679 carried out, and propose to the legislature any recommended
 3680 statutory changes related to the taxation or budgetary laws of
 3681 the state. Not later than one hundred eighty days prior to the
 3682 general election in the second year following the year in which
 3683 the commission is established, the commission shall file with the

3684 custodian of state records its proposal, if any, of a revision of
 3685 this constitution or any part of it dealing with taxation or the
 3686 state budgetary process.

3687 SECTION 7. Tax or fee limitation.--Notwithstanding Article
 3688 X, Section 12(d) of this constitution, no new state tax or fee
 3689 shall be imposed on or after November 8, 1994, by any amendment
 3690 to this constitution unless the proposed amendment is approved by
 3691 not fewer than two-thirds of the voters voting in the election in
 3692 which such proposed amendment is considered. For purposes of
 3693 this section, the phrase "new state tax or fee" shall mean any
 3694 tax or fee which would produce revenue subject to lump sum or
 3695 other appropriation by the Legislature, either for the state
 3696 general revenue fund or any trust fund, which tax or fee is not
 3697 in effect on November 7, 1994, including without limitation such
 3698 taxes and fees as are the subject of proposed constitutional
 3699 amendments appearing on the ballot on November 8, 1994. This
 3700 section shall apply to proposed constitutional amendments
 3701 relating to state taxes or fees which appear on the November 8,
 3702 1994, ballot, or later ballots, and any such proposed amendment
 3703 which fails to gain the two-thirds vote required hereby shall be
 3704 null, void, and without effect.

3705 ARTICLE XII

3706 SCHEDULE

3707
 3708 SECTION 1. Constitution of 1885 superseded.--Articles I
 3709 through IV, VII, and IX through XX of the Constitution of Florida
 3710 adopted in 1885, as amended from time to time, are superseded by
 3711 this revision except those sections expressly retained and made a
 3712 part of this revision by reference.

3713 SECTION 2. Property taxes; millages.--Tax millages
 3714 authorized in counties, municipalities, and special districts, on
 3715 the date this revision becomes effective, may be continued until
 3716 reduced by law.

3717 ~~SECTION 3. Officers to continue in office.--Every person~~
 3718 ~~holding office when this revision becomes effective shall~~
 3719 ~~continue in office for the remainder of the term if that office~~
 3720 ~~is not abolished. If the office is abolished the incumbent shall~~
 3721 ~~be paid adequate compensation, to be fixed by law, for the loss~~
 3722 ~~of emoluments for the remainder of the term.~~

3723 SECTION 4. State commissioner of education.--The state
 3724 superintendent of public instruction in office on the effective
 3725 date of this revision shall become and, for the remainder of the
 3726 term being served, shall be the commissioner of education.

3727 SECTION 5. Superintendent of schools.--

3728 (a) On the effective date of this revision the county
 3729 superintendent of public instruction of each county shall become
 3730 and, for the remainder of the term being served, shall be the
 3731 superintendent of schools of that district.

3732 (b) The method of selection of the county superintendent of
 3733 public instruction of each county, as provided by or under the
 3734 Constitution of 1885, as amended, shall apply to the selection of
 3735 the district superintendent of schools until changed as herein
 3736 provided.

3737 SECTION 6. Laws preserved.--

3738 (a) All laws in effect upon the adoption of this revision,
 3739 to the extent not inconsistent with it, shall remain in force
 3740 until they expire by their terms or are repealed.

3741 (b) All statutes which, under the Constitution of 1885, as

3742 amended, apply to the state superintendent of public instruction
3743 and those which apply to the county superintendent of public
3744 instruction shall under this revision apply, respectively, to the
3745 state commissioner of education and the district superintendent
3746 of schools.

3747 SECTION 7. Rights reserved.--

3748 (a) All actions, rights of action, claims, contracts, and
3749 obligations of individuals, corporations, and public bodies or
3750 agencies existing on the date this revision becomes effective
3751 shall continue to be valid as if this revision had not been
3752 adopted. All taxes, penalties, fines and forfeitures owing to the
3753 state under the Constitution of 1885, as amended, shall inure to
3754 the state under this revision, and all sentences as punishment
3755 for crime shall be executed according to their terms.

3756 (b) This revision shall not be retroactive so as to create
3757 any right or liability which did not exist under the Constitution
3758 of 1885, as amended, based upon matters occurring prior to the
3759 adoption of this revision.

3760 SECTION 8. Public debts recognized.--All bonds, revenue
3761 certificates, revenue bonds, and tax anticipation certificates
3762 issued pursuant to the Constitution of 1885, as amended by the
3763 state, any agency, political subdivision, or public corporation
3764 of the state shall remain in full force and effect and shall be
3765 secured by the same sources of revenue as before the adoption of
3766 this revision, and, to the extent necessary to effectuate this
3767 section, the applicable provisions of the Constitution of 1885,
3768 as amended, are retained as a part of this revision until payment
3769 in full of these public securities.

3770 SECTION 9. Bonds.--

3771 (a) ADDITIONAL SECURITIES.
 3772 (1) Article IX, Section 17, of the Constitution of 1885, as
 3773 amended, as it existed immediately before this Constitution, as
 3774 revised in 1968, became effective, is adopted by this reference
 3775 as a part of this revision as completely as though incorporated
 3776 herein verbatim, except revenue bonds, revenue certificates, or
 3777 other evidences of indebtedness hereafter issued thereunder may
 3778 be issued by the agency of the state so authorized by law.

3779 (2) That portion of Article XII, Section 9(a) ~~9, Subsection~~
 3780 ~~(a)~~ of this Constitution, as amended, which by reference adopted
 3781 Article XII, Section 19 of the Constitution of 1885, as amended,
 3782 as the same existed immediately before the effective date of this
 3783 amendment is adopted by this reference as part of this revision
 3784 as completely as though incorporated herein verbatim, for the
 3785 purpose of providing that after the effective date of this
 3786 amendment all of the proceeds of the revenues derived from the
 3787 gross receipts taxes, as therein defined, collected in each year
 3788 shall be applied as provided therein to the extent necessary to
 3789 comply with all obligations to or for the benefit of holders of
 3790 bonds or certificates issued before the effective date of this
 3791 amendment or any refundings thereof which are secured by such
 3792 gross receipts taxes. No bonds or other obligations may be
 3793 issued pursuant to the provisions of Article XII, Section 19, of
 3794 the Constitution of 1885, as amended, but this provision shall
 3795 not be construed to prevent the refunding of any such outstanding
 3796 bonds or obligations pursuant to the provisions of this
 3797 subsection (a) (2).

3798 Subject to the requirements of the first paragraph of this
 3799 subsection (a) (2), beginning July 1, 1975, all of the proceeds of

3800 the revenues derived from the gross receipts taxes collected from
 3801 every person, including municipalities, as provided and levied
 3802 pursuant to the provisions of chapter 203, Florida Statutes, as
 3803 such chapter is amended from time to time, shall, as collected,
 3804 be placed in a trust fund to be known as the "public education
 3805 capital outlay and debt service trust fund" in the state treasury
 3806 (hereinafter referred to as "capital outlay fund"), and used only
 3807 as provided herein.

3808 The capital outlay fund shall be administered by the state
 3809 board of education as created and constituted by Section 2, ~~of~~
 3810 Article IX of the Constitution of Florida as revised in 1968
 3811 (hereinafter referred to as "state board"), or by such other
 3812 instrumentality of the state which shall hereafter succeed by law
 3813 to the powers, duties, and functions of the state board,
 3814 including the powers, duties, and functions of the state board
 3815 provided in this subsection (a)(2). The state board shall be a
 3816 body corporate and shall have all the powers provided herein in
 3817 addition to all other constitutional and statutory powers related
 3818 to the purposes of this subsection (a)(2) heretofore or hereafter
 3819 conferred by law upon the state board, or its predecessor created
 3820 by the Constitution of 1885, as amended.

3821 State bonds pledging the full faith and credit of the state
 3822 may be issued, without a vote of the electors, by the state board
 3823 pursuant to law to finance or refinance capital projects
 3824 theretofore authorized by the legislature, and any purposes
 3825 appurtenant or incidental thereto, for the state system of public
 3826 education provided for in Section 1, ~~of~~ Article IX of this
 3827 Constitution (hereinafter referred to as "state system"),
 3828 including but not limited to institutions of higher learning,

3829 community colleges, vocational technical schools, or public
 3830 schools, as now defined or as may hereafter be defined by law.
 3831 All such bonds shall mature not later than thirty years after the
 3832 date of issuance thereof. All other details of such bonds shall
 3833 be as provided by law or by the proceedings authorizing such
 3834 bonds; provided, however, that no bonds, except refunding bonds,
 3835 shall be issued, and no proceeds shall be expended for the cost
 3836 of any capital project, unless such project has been authorized
 3837 by the legislature.

3838 Bonds issued pursuant to this subsection (a) (2) shall be
 3839 primarily payable from such revenues derived from gross receipts
 3840 taxes, and shall be additionally secured by the full faith and
 3841 credit of the state. No such bonds shall ever be issued in an
 3842 amount exceeding ninety percent of the amount which the state
 3843 board determines can be serviced by the revenues derived from the
 3844 gross receipts taxes accruing thereafter under the provisions of
 3845 this subsection (a) (2), and such determination shall be
 3846 conclusive.

3847 The moneys in the capital outlay fund in each fiscal year
 3848 shall be used only for the following purposes and in the
 3849 following order of priority:

3850 a. For the payment of the principal of and interest on any
 3851 bonds due in such fiscal year;

3852 b. For the deposit into any reserve funds provided for in
 3853 the proceedings authorizing the issuance of bonds of any amounts
 3854 required to be deposited in such reserve funds in such fiscal
 3855 year;

3856 c. For direct payment of the cost or any part of the cost
 3857 of any capital project for the state system theretofore

3858 authorized by the legislature, or for the purchase or redemption
 3859 of outstanding bonds in accordance with the provisions of the
 3860 proceedings which authorized the issuance of such bonds, or for
 3861 the purpose of maintaining, restoring, or repairing existing
 3862 public educational facilities.

3863 (b) REFUNDING BONDS. Revenue bonds to finance the cost of
 3864 state capital projects issued prior to the date this revision
 3865 becomes effective, including projects of the Florida state
 3866 turnpike authority or its successor but excluding all portions of
 3867 the state highway system, may be refunded as provided by law
 3868 without vote of the electors at a lower net average interest cost
 3869 rate by the issuance of bonds maturing not later than the
 3870 obligations refunded, secured by the same revenues only.

3871 (c) MOTOR VEHICLE FUEL TAXES.

3872 (1) A state tax, designated "second gas tax," of two cents
 3873 per gallon upon gasoline and other like products of petroleum and
 3874 an equivalent tax upon other sources of energy used to propel
 3875 motor vehicles as levied by Article IX, Section 16, of the
 3876 Constitution of 1885, as amended, is hereby continued. The
 3877 proceeds of said tax shall be placed monthly in the state roads
 3878 distribution fund in the state treasury.

3879 (2) Article IX, Section 16, of the Constitution of 1885, as
 3880 amended, is adopted by this reference as a part of this revision
 3881 as completely as though incorporated herein verbatim for the
 3882 purpose of providing that after the effective date of this
 3883 revision the proceeds of the "second gas tax" as referred to
 3884 therein shall be allocated among the several counties in
 3885 accordance with the formula stated therein to the extent
 3886 necessary to comply with all obligations to or for the benefit of

3887 holders of bonds, revenue certificates, and tax anticipation
 3888 certificates or any refundings thereof secured by any portion of
 3889 the "second gas tax."

3890 (3) No funds anticipated to be allocated under the formula
 3891 stated in Article IX, Section 16, of the Constitution of 1885, as
 3892 amended, shall be pledged as security for any obligation
 3893 hereafter issued or entered into, except that any outstanding
 3894 obligations previously issued pledging revenues allocated under
 3895 said Article IX, Section 16, may be refunded at a lower average
 3896 net interest cost rate by the issuance of refunding bonds,
 3897 maturing not later than the obligations refunded, secured by the
 3898 same revenues and any other security authorized in paragraph (5)
 3899 of this subsection.

3900 (4) Subject to the requirements of paragraph (2) of this
 3901 subsection and after payment of administrative expenses, the
 3902 "second gas tax" shall be allocated to the account of each of the
 3903 several counties in the amounts to be determined as follows:
 3904 There shall be an initial allocation of one-fourth in the ratio
 3905 of county area to state area, one-fourth in the ratio of the
 3906 total county population to the total population of the state in
 3907 accordance with the latest available federal census, and one-half
 3908 in the ratio of the total "second gas tax" collected on retail
 3909 sales or use in each county to the total collected in all
 3910 counties of the state during the previous fiscal year. If the
 3911 annual debt service requirements of any obligations issued for
 3912 any county, including any deficiencies for prior years, secured
 3913 under paragraph (2) of this subsection, exceeds the amount which
 3914 would be allocated to that county under the formula set out in
 3915 this paragraph, the amounts allocated to other counties shall be

3916 reduced proportionately.

3917 (5) Funds allocated under paragraphs (2) and (4) of this

3918 subsection shall be administered by the state board of

3919 administration created under Article IV, Section 4. The board

3920 shall remit the proceeds of the "second gas tax" in each county

3921 account for use in said county as follows: eighty per cent to the

3922 state agency supervising the state road system and twenty per

3923 cent to the governing body of the county. The percentage

3924 allocated to the county may be increased by general law. The

3925 proceeds of the "second gas tax" subject to allocation to the

3926 several counties under this paragraph (5) shall be used first,

3927 for the payment of obligations pledging revenues allocated

3928 pursuant to Article IX, Section 16, of the Constitution of 1885,

3929 as amended, and any refundings thereof; second, for the payment

3930 of debt service on bonds issued as provided by this paragraph (5)

3931 to finance the acquisition and construction of roads as defined

3932 by law; and third, for the acquisition and construction of roads

3933 and for road maintenance as authorized by law. When authorized by

3934 law, state bonds pledging the full faith and credit of the state

3935 may be issued without any election: (i) to refund obligations

3936 secured by any portion of the "second gas tax" allocated to a

3937 county under Article IX, Section 16, of the Constitution of 1885,

3938 as amended; (ii) to finance the acquisition and construction of

3939 roads in a county when approved by the governing body of the

3940 county and the state agency supervising the state road system;

3941 and (iii) to refund obligations secured by any portion of the

3942 "second gas tax" allocated under paragraph 9(c)(4). No such bonds

3943 shall be issued unless a state fiscal agency created by law has

3944 made a determination that in no state fiscal year will the debt

3945 service requirements of the bonds and all other bonds secured by
 3946 the pledged portion of the "second gas tax" allocated to the
 3947 county exceed seventy-five per cent of the pledged portion of the
 3948 "second gas tax" allocated to that county for the preceding state
 3949 fiscal year, of the pledged net tolls from existing facilities
 3950 collected in the preceding state fiscal year, and of the annual
 3951 average net tolls anticipated during the first five state fiscal
 3952 years of operation of new projects to be financed, and of any
 3953 other legally available pledged revenues collected in the
 3954 preceding state fiscal year. Bonds issued pursuant to this
 3955 subsection shall be payable primarily from the pledged tolls, the
 3956 pledged portions of the "second gas tax" allocated to that
 3957 county, and any other pledged revenue, and shall mature not later
 3958 than forty years from the date of issuance.

3959 (d) SCHOOL BONDS.

3960 (1) Article XII, Section 9(d) ~~9, Subsection (d)~~ of this
 3961 constitution, as amended, (which, by reference, adopted Article
 3962 XII, Section 18, of the Constitution of 1885, as amended), as the
 3963 same existed immediately before the effective date of this
 3964 amendment is adopted by this reference as part of this amendment
 3965 as completely as though incorporated herein verbatim, for the
 3966 purpose of providing that after the effective date of this
 3967 amendment the first proceeds of the revenues derived from the
 3968 licensing of motor vehicles as referred to therein shall be
 3969 distributed annually among the several counties in the ratio of
 3970 the number of instruction units in each county, the same being
 3971 coterminous ~~coterminus~~ with the school district of each county as
 3972 provided in Article IX, Section 4(a) ~~4, Subsection (a)~~ of this
 3973 constitution, in each year computed as provided therein to the

3974 extent necessary to comply with all obligations to or for the
3975 benefit of holders of bonds or motor vehicle tax anticipation
3976 certificates issued before the effective date of this amendment
3977 or any refundings thereof which are secured by any portion of
3978 such revenues derived from the licensing of motor vehicles.

3979 (2) No funds anticipated to be distributed annually among
3980 the several counties under the formula stated in Article XII,
3981 Section 9(d) ~~9, Subsection (d)~~ of this constitution, as amended,
3982 as the same existed immediately before the effective date of this
3983 amendment shall be pledged as security for any obligations
3984 hereafter issued or entered into, except that any outstanding
3985 obligations previously issued pledging such funds may be refunded
3986 by the issuance of refunding bonds.

3987 (3) Subject to the requirements of subsection (d) (1)
3988 ~~paragraph (1) of this subsection (d)~~ beginning July 1, 1973, the
3989 first proceeds of the revenues derived from the licensing of
3990 motor vehicles (hereinafter called "motor vehicle license
3991 revenues") to the extent necessary to comply with the provisions
3992 of this amendment, shall, as collected, be placed monthly in the
3993 school district and community college district capital outlay and
3994 debt service fund in the state treasury and used only as provided
3995 in this amendment. Such revenue shall be distributed annually
3996 among the several school districts and community college
3997 districts in the ratio of the number of instruction units in each
3998 school district or community college district in each year
3999 computed as provided herein. The amount of the first motor
4000 vehicle license revenues to be so set aside in each year and
4001 distributed as provided herein shall be an amount equal in the
4002 aggregate to the product of six hundred dollars (\$600) multiplied

4003 by the total number of instruction units in all the school
 4004 districts of Florida for the school fiscal year 1967-68, plus an
 4005 amount equal in the aggregate to the product of eight hundred
 4006 dollars (\$800) multiplied by the total number of instruction
 4007 units in all the school districts of Florida for the school
 4008 fiscal year 1972-73 and for each school fiscal year thereafter
 4009 which is in excess of the total number of such instruction units
 4010 in all the school districts of Florida for the school fiscal year
 4011 1967-68, such excess units being designated "growth units." The
 4012 amount of the first motor vehicle license revenues to be so set
 4013 aside in each year and distributed as provided herein shall
 4014 additionally be an amount equal in the aggregate to the product
 4015 of four hundred dollars (\$400) multiplied by the total number of
 4016 instruction units in all community college districts of Florida.
 4017 The number of instruction units in each school district or
 4018 community college district in each year for the purposes of this
 4019 amendment shall be the greater of (1) the number of instruction
 4020 units in each school district for the school fiscal year 1967-68
 4021 or community college district for the school fiscal year 1968-69
 4022 computed in the manner heretofore provided by general law, or (2)
 4023 the number of instruction units in such school district,
 4024 including growth units, or community college district for the
 4025 school fiscal year computed in the manner heretofore or hereafter
 4026 provided by general law and approved by the state board of
 4027 education (hereinafter called the state board), or (3) the number
 4028 of instruction units in each school district, including growth
 4029 units, or community college district on behalf of which the state
 4030 board has issued bonds or motor vehicle license revenue
 4031 anticipation certificates under this amendment which will produce

4032 sufficient revenues under this amendment to equal one and twelve-
 4033 hundredths (1.12) times the aggregate amount of principal of and
 4034 interest on all bonds or motor vehicle license revenue
 4035 anticipation certificates issued under this amendment which will
 4036 mature and become due in such year, computed in the manner
 4037 heretofore or hereafter provided by general law and approved by
 4038 the state board.

4039 (4) Such funds so distributed shall be administered by the
 4040 state board as now created and constituted by Section 2, ~~of~~
 4041 Article IX of the State Constitution as revised in 1968, or by
 4042 such other instrumentality of the state which shall hereafter
 4043 succeed by law to the powers, duties, and functions of the state
 4044 board, including the powers, duties, and functions of the state
 4045 board provided in this amendment. For the purposes of this
 4046 amendment, said state board shall be a body corporate and shall
 4047 have all the powers provided in this amendment in addition to all
 4048 other constitutional and statutory powers related to the purposes
 4049 of this amendment heretofore or hereafter conferred upon said
 4050 state board.

4051 (5) The state board shall, in addition to its other
 4052 constitutional and statutory powers, have the management,
 4053 control, and supervision of the proceeds of the first motor
 4054 vehicle license revenues provided for in this subsection (d).
 4055 The state board shall also have power, for the purpose of
 4056 obtaining funds for the use of any school board of any school
 4057 district or board of trustees of any community college district
 4058 in acquiring, building, constructing, altering, remodeling,
 4059 improving, enlarging, furnishing, equipping, maintaining,
 4060 renovating, or repairing of capital outlay projects for school

4061 purposes to issue bonds or motor vehicle license revenue
 4062 anticipation certificates, and also to issue such bonds or motor
 4063 vehicle license revenue anticipation certificates to pay, fund,
 4064 or refund any bonds or motor vehicle license revenue anticipation
 4065 certificates theretofore issued by said state board. All such
 4066 bonds or motor vehicle license revenue anticipation certificates
 4067 shall bear interest at not exceeding the rate provided by general
 4068 law and shall mature not later than thirty years after the date
 4069 of issuance thereof. The state board shall have power to
 4070 determine all other details of the bonds or motor vehicle license
 4071 revenue anticipation certificates and to sell in the manner
 4072 provided by general law, or exchange the bonds or motor vehicle
 4073 license revenue anticipation certificates, upon such terms and
 4074 conditions as the state board shall provide.

4075 (6) The state board shall also have power to pledge for the
 4076 payment of the principal of and interest on such bonds or motor
 4077 vehicle license revenue anticipation certificates, including
 4078 refunding bonds or refunding motor vehicle license revenue
 4079 anticipation certificates, all or any part from the motor vehicle
 4080 license revenues provided for in this amendment and to enter into
 4081 any covenants and other agreements with the holders of such bonds
 4082 or motor vehicle license revenue anticipation certificates at the
 4083 time of the issuance thereof concerning the security thereof and
 4084 the rights of the holders thereof, all of which covenants and
 4085 agreements shall constitute legally binding and irrevocable
 4086 contracts with such holders and shall be fully enforceable by
 4087 such holders in any court of competent jurisdiction.

4088 (7) No such bonds or motor vehicle license revenue
 4089 anticipation certificates shall ever be issued by the state

4090 board, except to refund outstanding bonds or motor vehicle
 4091 license revenue anticipation certificates, until after the
 4092 adoption of a resolution requesting the issuance thereof by the
 4093 school board of the school district or board of trustees of the
 4094 community college district on behalf of which the obligations are
 4095 to be issued. The state board of education shall limit the
 4096 amount of such bonds or motor vehicle license revenue
 4097 anticipation certificates which can be issued on behalf of any
 4098 school district or community college district to ninety percent
 4099 (90%) of the amount which it determines can be serviced by the
 4100 revenue accruing to the school district or community college
 4101 district under the provisions of this amendment, and shall
 4102 determine the reasonable allocation of the interest savings from
 4103 the issuance of refunding bonds or motor vehicle license revenue
 4104 anticipation certificates, and such determinations shall be
 4105 conclusive. All such bonds or motor vehicle license revenue
 4106 anticipation certificates shall be issued in the name of the
 4107 state board of education but shall be issued for and on behalf of
 4108 the school board of the school district or board of trustees of
 4109 the community college district requesting the issuance thereof,
 4110 and no election or approval of qualified electors shall be
 4111 required for the issuance thereof.

4112 (8) The state board shall in each year use the funds
 4113 distributable pursuant to this amendment to the credit of each
 4114 school district or community college district only in the
 4115 following manner and in order of priority:

4116 a. To comply with the requirements of subsection (d)(1)
 4117 ~~paragraph (1) of this subsection (d).~~

4118 b. To pay all amounts of principal and interest due in such

4119 | year on any bonds or motor vehicle license revenue anticipation
 4120 | certificates issued under the authority hereof, including
 4121 | refunding bonds or motor vehicle license revenue anticipation
 4122 | certificates, issued on behalf of the school board of such school
 4123 | district or board of trustees of such community college district;
 4124 | subject, however, to any covenants or agreements made by the
 4125 | state board concerning the rights between holders of different
 4126 | issues of such bonds or motor vehicle license revenue
 4127 | anticipation certificates, as herein authorized.

4128 | c. To establish and maintain a sinking fund or funds to
 4129 | meet future requirements for debt service or reserves therefor,
 4130 | on bonds or motor vehicle license revenue anticipation
 4131 | certificates issued on behalf of the school board of such school
 4132 | district or board of trustees of such community college district
 4133 | under the authority hereof, whenever the state board shall deem
 4134 | it necessary or advisable, and in such amounts and under such
 4135 | terms and conditions as the state board shall in its discretion
 4136 | determine.

4137 | d. To distribute annually to the several school boards of
 4138 | the school districts or the boards of trustees of the community
 4139 | college districts for use in payment of debt service on bonds
 4140 | heretofore or hereafter issued by any such school boards of the
 4141 | school districts or boards of trustees of the community college
 4142 | districts where the proceeds of the bonds were used, or are to be
 4143 | used, in the acquiring, building, constructing, altering,
 4144 | remodeling, improving, enlarging, furnishing, equipping,
 4145 | maintaining, renovating, or repairing of capital outlay projects
 4146 | in such school districts or community college districts and which
 4147 | capital outlay projects have been approved by the school board of

4148 the school district or board of trustees of the community college
 4149 district, pursuant to the most recent survey or surveys conducted
 4150 under regulations prescribed by the state board to determine the
 4151 capital outlay needs of the school district or community college
 4152 district. The state board shall have power at the time of
 4153 issuance of any bonds by any school board of any school district
 4154 or board of trustees of any community college district to
 4155 covenant and agree with such school board or board of trustees as
 4156 to the rank and priority of payments to be made for different
 4157 issues of bonds under this subparagraph d., and may further agree
 4158 that any amounts to be distributed under this subparagraph d. may
 4159 be pledged for the debt service on bonds issued by any school
 4160 board of any school district or board of trustees of any
 4161 community college district and for the rank and priority of such
 4162 pledge. Any such covenants or agreements of the state board may
 4163 be enforced by any holders of such bonds in any court of
 4164 competent jurisdiction.

4165 e. To pay the expenses of the state board in administering
 4166 this subsection (d), which shall be prorated among the various
 4167 school districts and community college districts and paid out of
 4168 the proceeds of the bonds or motor vehicle license revenue
 4169 anticipation certificates or from the funds distributable to each
 4170 school district and community college district on the same basis
 4171 as such motor vehicle license revenues are distributable to the
 4172 various school districts and community college districts.

4173 f. To distribute annually to the several school boards of
 4174 the school districts or boards of trustees of the community
 4175 college districts for the payment of the cost of acquiring,
 4176 building, constructing, altering, remodeling, improving,

4177 enlarging, furnishing, equipping, maintaining, renovating, or
 4178 repairing of capital outlay projects for school purposes in such
 4179 school district or community college district as shall be
 4180 requested by resolution of the school board of the school
 4181 district or board of trustees of the community college district.

4182 g. When all major capital outlay needs of a school district
 4183 or community college district have been met as determined by the
 4184 state board, on the basis of a survey made pursuant to
 4185 regulations of the state board and approved by the state board,
 4186 all such funds remaining shall be distributed annually and used
 4187 for such school purposes in such school district or community
 4188 college district as the school board of the school district or
 4189 board of trustees of the community college district shall
 4190 determine, or as may be provided by general law.

4191 (9) Capital outlay projects of a school district or
 4192 community college district shall be eligible to participate in
 4193 the funds accruing under this amendment and derived from the
 4194 proceeds of bonds and motor vehicle license revenue anticipation
 4195 certificates and from the motor vehicle license revenues, only in
 4196 the order of priority of needs, as shown by a survey or surveys
 4197 conducted in the school district or community college district
 4198 under regulations prescribed by the state board, to determine the
 4199 capital outlay needs of the school district or community college
 4200 district and approved by the state board; provided that the
 4201 priority of such projects may be changed from time to time upon
 4202 the request of the school board of the school district or board
 4203 of trustees of the community college district and with the
 4204 approval of the state board; and provided, further, that this
 4205 paragraph ~~(9)~~ shall not in any manner affect any covenant,

4206 agreement, or pledge made by the state board in the issuance by
 4207 said state board of any bonds or motor vehicle license revenue
 4208 anticipation certificates, or in connection with the issuance of
 4209 any bonds of any school board of any school district or board of
 4210 trustees of any community college district.

4211 (10) The state board shall have power to make and enforce
 4212 all rules and regulations necessary to the full exercise of the
 4213 powers herein granted and no legislation shall be required to
 4214 render this amendment of full force and operating effect. The
 4215 legislature shall not reduce the levies of said motor vehicle
 4216 license revenues during the life of this amendment to any degree
 4217 which will fail to provide the full amount necessary to comply
 4218 with the provisions of this amendment and pay the necessary
 4219 expenses of administering the laws relating to the licensing of
 4220 motor vehicles, and shall not enact any law having the effect of
 4221 withdrawing the proceeds of such motor vehicle license revenues
 4222 from the operation of this amendment and shall not enact any law
 4223 impairing or materially altering the rights of the holders of any
 4224 bonds or motor vehicle license revenue anticipation certificates
 4225 issued pursuant to this amendment or impairing or altering any
 4226 covenant or agreement of the state board, as provided in such
 4227 bonds or motor vehicle license revenue anticipation certificates.

4228 (11) Bonds issued by the state board pursuant to this
 4229 subsection ~~(d)~~ shall be payable primarily from said motor vehicle
 4230 license revenues as provided herein, and if heretofore or
 4231 hereafter authorized by law, may be additionally secured by
 4232 pledging the full faith and credit of the state without an
 4233 election. When heretofore or hereafter authorized by law, bonds
 4234 issued pursuant to Article XII, Section 18 of the Constitution of

4235 1885, as amended prior to 1968, and bonds issued pursuant to
 4236 Article XII, Section 9(d) ~~9, subsection (d)~~ of the Constitution
 4237 as revised in 1968, and bonds issued pursuant to this subsection
 4238 ~~(d)~~, may be refunded by the issuance of bonds additionally
 4239 secured by the full faith and credit of the state.

4240 (e) DEBT LIMITATION. Bonds issued pursuant to this Section
 4241 9, ~~of~~ Article XII which are payable primarily from revenues
 4242 pledged pursuant to this section shall not be included in
 4243 applying the limits upon the amount of state bonds contained in
 4244 Section 11, Article VII, of this revision.

4245 SECTION 10. Preservation of existing government.--All
 4246 provisions of Articles I through IV, VII, and IX through XX of
 4247 the Constitution of 1885, as amended, not embraced herein which
 4248 are not inconsistent with this revision shall become statutes
 4249 subject to modification or repeal as are other statutes.

4250 SECTION 11. Deletion of obsolete schedule items.--The
 4251 legislature shall have power, by joint resolution, to delete from
 4252 this revision any section of this Article XII, including this
 4253 section, when all events to which the section to be deleted is or
 4254 could become applicable have occurred. A legislative
 4255 determination of fact made as a basis for application of this
 4256 section shall be subject to judicial review.

4257 SECTION 12. Senators.--The requirements of staggered terms
 4258 of senators in Section 15(a), ~~of~~ Article III of this revision
 4259 shall apply only to senators elected in November, ~~1972~~, and
 4260 thereafter.

4261 SECTION 13. Legislative apportionment.--The requirements of
 4262 legislative apportionment in Section 16, ~~of~~ Article III of this
 4263 revision shall apply only to the apportionment of the legislature

4264 following the decennial census of 1970, and thereafter.

4265 SECTION 14. Representatives; terms.--The legislature at its
 4266 first regular session following the ratification of this
 4267 revision, by joint resolution, shall propose to the electors of
 4268 the state for ratification or rejection in the general election
 4269 of 1970 an amendment to Article III, Section 15(b), of the
 4270 constitution providing staggered terms of four years for members
 4271 of the house of representatives.

4272 SECTION 15. Special district taxes.--Ad valorem taxing
 4273 power vested by law in special districts existing when this
 4274 revision becomes effective shall not be abrogated by Section 9(b)
 4275 of Article VII herein, but such powers, except to the extent
 4276 necessary to pay outstanding debts, may be restricted or
 4277 withdrawn by law.

4278 ~~SECTION 16. Reorganization. The requirement of Section 6,~~
 4279 ~~Article IV of this revision shall not apply until July 1, 1969.~~

4280 SECTION 17. Conflicting provisions.--This schedule is
 4281 designed to effect the orderly transition of government from the
 4282 Constitution of 1885, as amended, to this revision and shall
 4283 control in all cases of conflict with any part of Article I
 4284 through IV, VII, and IX through XI herein.

4285 ~~SECTION 18. Bonds for housing and related facilities.--~~
 4286 ~~Section 16 of Article VII, providing for bonds for housing and~~
 4287 ~~related facilities, shall take effect upon approval by the~~
 4288 ~~electors.~~

4289 ~~SECTION 19. Renewable energy source property.--The~~
 4290 ~~amendment to Section 3 of Article VII, relating to an exemption~~
 4291 ~~for a renewable energy source device and real property on which~~
 4292 ~~such device is installed, if adopted at the special election in~~

4293 ~~October 1980, shall take effect January 1, 1981.~~

4294 SECTION 20. ~~Access to public records. Section 24 of~~
4295 ~~Article I, relating to access to public records, shall take~~
4296 ~~effect July 1, 1993.~~

4297 SECTION 21. State revenue limitation.--The amendment to
4298 Section 1, of Article VII limiting state revenues shall take
4299 effect January 1, 1995, and shall first be applicable to state
4300 fiscal year 1995-1996.

4301 SECTION 22. Historic property exemption and assessment.--
4302 The amendments to Sections 3 and 4, of Article VII relating to ad
4303 valorem tax exemption for, and assessment of, historic property
4304 shall take effect January 1, 1999.

4305 SECTION 23. Fish and wildlife conservation commission.--

4306 (a) The initial members of the commission shall be the
4307 members of the game and fresh water fish commission and the
4308 marine fisheries commission who are serving on those commissions
4309 on the effective date of this amendment, who may serve the
4310 remainder of their respective terms. New appointments to the
4311 commission shall not be made until the retirement, resignation,
4312 removal, or expiration of the terms of the initial members
4313 results in fewer than seven members remaining.

4314 (b) The jurisdiction of the marine fisheries commission as
4315 set forth in statutes in effect on March 1, 1998, shall be
4316 transferred to the fish and wildlife conservation commission. The
4317 jurisdiction of the marine fisheries commission transferred to
4318 the commission shall not be expanded except as provided by
4319 general law. All rules of the marine fisheries commission and
4320 game and fresh water fish commission in effect on the effective
4321 date of this amendment shall become rules of the fish and

4322 wildlife conservation commission until superseded or amended by
4323 the commission.

4324 (c) On the effective date of this amendment, the marine
4325 fisheries commission and game and fresh water fish commission
4326 shall be abolished.

4327 (d) This amendment shall take effect July 1, 1999.

4328 SECTION 24. Executive branch reform.--

4329 (a) The amendments contained in this revision shall take
4330 effect January 7, 2003, but shall govern with respect to the
4331 qualifying for and the holding of primary elections in 2002. The
4332 office of chief financial officer shall be a new office as a
4333 result of this revision.

4334 (b) In the event the secretary of state is removed as a
4335 cabinet office in the 1998 general election, the term "custodian
4336 of state records" shall be substituted for the term "secretary of
4337 state" throughout the constitution and the duties previously
4338 performed by the secretary of state shall be as provided by law.

4339 ~~SECTION 25. Schedule to Article V amendment.~~

4340 ~~(a) Commencing with fiscal year 2000-2001, the legislature~~
4341 ~~shall appropriate funds to pay for the salaries, costs, and~~
4342 ~~expenses set forth in the amendment to Section 14 of Article V~~
4343 ~~pursuant to a phase in schedule established by general law.~~

4344 ~~(b) Unless otherwise provided herein, the amendment to~~
4345 ~~Section 14 shall be fully effectuated by July 1, 2004.~~

4346 BE IT FURTHER RESOLVED that the following statement be
4347 placed on the ballot:

4348 MULTIPLE ARTICLES
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4350 | OBSOLETE AND ERRONEOUS PROVISIONS.--Proposing revisions to
4351 | multiple articles of the State Constitution to delete obsolete
4352 | provisions and to correct grammar errors and inconsistencies in
4353 | wording.

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