

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

At an extraordinary session of the Florida Legislature convened by proclamation of His Excellency, LeRoy Collins, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Monday, September 30, 1957

1

In pursuance of the Proclamation of Honorable LeRoy Collins, Governor of the State of Florida, the Senate met in Extraordinary Session at 12:00 o'clock, Noon, and was called to order by the President of the Senate, Honorable W. A. Shands; the President Pro Tempore of the Senate, Honorable Irlo O. Bronson, the Secretary of the Senate, Honorable Robt. W. Davis, and the Sergeant-at-Arms of the Senate, Honorable LeRoy Adkison, being at their posts.

The Proclamation of the Governor convening the Legislature in Extraordinary Session was read to the Senate, as follows:

A PROCLAMATION BY THE GOVERNOR

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

TO THE HONORABLE MEMBERS OF
THE SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, Senate Concurrent Resolution No. 555 was adopted by the Florida Legislature during its 1955 Biennial Session and provided for the establishment of the Florida Constitution Advisory Commission, and

WHEREAS, such Commission was given the duty of submitting to the Governor and to the members of the Legislature prior to the 1957 Regular Session a report and recommendations for the revision of the Constitution of this State, which duty was discharged by the Commission, and

WHEREAS, the Committees on Constitutional Amendments of both the Senate and the House of Representatives considered during the 1957 Regular Session the report and recommendations of the Commission and reported to their respective Houses Resolutions proposing the revision of certain of the Articles of the Constitution, and

WHEREAS, there was not sufficient time within which to give proper consideration to all of these proposals during the Regular Session, despite the fact that such session was extended under the provisions of Article III, Section 2 of the Constitution, and

WHEREAS, before its adjournment on June 8, 1957, the Legislature adopted Senate Concurrent Resolution No. 1414, pursuant to which there was appointed a joint committee composed of five members of the Senate and five members of the House of Representatives and given the task of attempting to resolve the differences between the two branches of the Legislature as to the proposed Constitutional revision and of reporting its recommendations back to the Senate and House of Representatives at the earliest possible time, and

WHEREAS, said committee has discharged its function and is ready to report its recommendation pursuant to the provisions of said Resolution No. 1414, and

WHEREAS, by said Resolution No. 1414, the Legislature requested me as Governor to call a special session not earlier than September 15 nor later than December 1 of this year in order that such committee might present the revised Constitution to a special session of the Legislature, and

WHEREAS, in view of the foregoing extraordinary conditions, I find that the best interest of the State will be served by consideration of the proposed constitutional revision without further delay,

NOW, THEREFORE, I, LeRoy Collins, as Governor of the State of Florida, by virtue of the power and authority vested in me by the State Constitution, do hereby call the Legislature of the State of Florida in extraordinary session to be convened at 12 o'clock noon on September 30th, A. D. 1957, for the sole purpose of considering and acting upon resolutions proposing new articles of the Constitution of the State of Florida, pursuant to the authority of Section 1 of Article XVII thereof, and statutory implementation of such new provisions of the Constitution as may deal with reapportionment of representation in the Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor, and caused the Great Seal of the State of Florida to be here-to affixed at Tallahassee, Florida, the Capital, on this September 26th, A. D. 1957.

LeROY COLLINS
Governor

ATTEST:

R. A. GRAY
Secretary of State

By direction of the President the roll was called and the following Senators answered to their names:

Senator Newman C. Brackin—1st District

Senator Philip D. Beall—2nd District

Senator Harvie J. Belser—3rd District

Senator John Rawls—4th District

Senator T. Drew Branch—5th District

Senator Dewey M. Johnson—6th District

Senator Scott Kelly—7th District

Senator Wilson Carraway—8th District

Senator James E. Connor—9th District

Senator W. T. Davis—10th District

Senator J. Frank Houghton—11th District

Senator Merrill P. Barber—12th District

Senator Joe Eaton—13th District

Senator W. E. Bishop—14th District

Senator Harry O. Stratton—16th District

Senator H. H. Hair, Jr.—17th District

Senator Fletcher Morgan—18th District

Senator L. K. Edwards, Jr.—20th District

Senator W. Randolph Hodges—21st District

Senator S. D. Clarke—22nd District

Senator J. A. Boyd—23rd District

Senator William R. Neblett—24th District

Senator B. C. Pearce—26th District

Senator Doyle E. Carlton, Jr.—27th District

Senator E. William Gautier—28th District

Senator Tom Adams—29th District

Senator Ted Cabot—30th District

Senator Verle A. Pope—31st District

Senator W. A. Shands—32nd District

Senator Irl O. Bronson—33rd District

Senator Paul Kickliter—34th District

Senator Fred O. Dickinson, Jr.—35th District

Senator Joe Bill Rood—36th District

Senator Douglas Stenstrom—37th District

Senator J. C. Getzen, Jr.—38th District

By direction of the President the Secretary of the Senate read the following certificate of the Honorable R. A. Gray, Secretary of State:

STATE OF FLORIDA

OFFICE OF SECRETARY OF STATE

I, R. A. GRAY, Secretary of State of the State of Florida, do hereby certify that the following State Senator was elected at the Special Election held in Orange County on the third day of September, A. D., 1957, as shown by the records of this office:

District No. 19—JOHN A. SUTTON

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 27th day of September A. D. 1957.

(Seal)

R. A. GRAY
Secretary of State

The oath of Office was then administered to Senator Sutton by the Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, and Senator Sutton was seated as the Senator from the 19th Senatorial District of Florida.

The roll of the Senate, as then constituted, was called by the Secretary in alphabetical order and the following Senators answered to their names:

Senators Adams, Barber, Beall, Belser, Bishop, Boyd, Brackin, Branch, Bronson, Cabot, Carlton, Carraway, Clarke, Connor, Davis, Dickinson, Eaton, Edwards, Gautier, Getzen, Hair, Hodges, Houghton, Johnson, Kelly, Kickliter, Morgan, Neblett, Pearce, Pope, Rawls, Rood, Shands, Stenstrom, Stratton, Sutton.

—36.

A quorum of the Senate was announced.

The following Prayer was offered by the Senate Chaplain, The Reverend Harry B. Douglas:

Almighty God, who hast given us this good land for our heritage; We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favour and glad to do Thy will. Bless our State with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all of which we ask through Jesus Christ our Lord. Amen.

Senator Carraway placed in nomination the name of Robt. W. Davis, to be Secretary of the Senate during the Extraordinary Session of the Legislature.

Upon call of the roll on the election of Robt. W. Davis, the vote was:

Yeas—36.

Mr. President	Bronson	Edwards	Morgan
Adams	Cabot	Gautier	Neblett
Barber	Carlton	Getzen	Pearce
Beall	Carraway	Hair	Pope
Belser	Clarke	Hodges	Rawls
Bishop	Connor	Houghton	Rood
Boyd	Davis	Johnson	Stenstrom
Brackin	Dickinson	Kelly	Stratton
Branch	Eaton	Kickliter	Sutton

Nays—None.

So Robt. W. Davis was elected Secretary of the Senate for the Extraordinary Session of the Legislature.

The Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, administered the oath of office to Robt. W. Davis.

Senator Dickinson then placed in nomination the name of LeRoy Adkison to be Sergeant-at-Arms of the Senate during the Extraordinary Session of the Legislature.

Upon call of the roll on the election of LeRoy Adkison the vote was:

Yeas—36.

Mr. President	Bronson	Edwards	Morgan
Adams	Cabot	Gautier	Neblett
Barber	Carlton	Getzen	Pearce
Beall	Carraway	Hair	Pope
Belser	Clarke	Hodges	Rawls
Bishop	Connor	Houghton	Rood
Boyd	Davis	Johnson	Stenstrom
Brackin	Dickinson	Kelly	Stratton
Branch	Eaton	Kickliter	Sutton

Nays—None.

So LeRoy Adkison was elected Sergeant-at-Arms of the Senate for the Extraordinary Session of the Legislature.

The Honorable Glenn Terrell, Chief Justice of the Supreme Court of Florida, administered the oath of office to LeRoy Adkison.

Senator Pearce moved that George H. Inman be named Reading Secretary of the Senate for the Extraordinary Session.

The question was put.

Which was agreed to and George H. Inman was unanimously named Reading Secretary of the Senate for the Extraordinary Session.

Senator Rawls moved that a Committee be appointed to wait upon the Governor and inform His Excellency that the Senate is now organized and ready to proceed to the business of the Extraordinary Session, awaiting any message he may wish to convey to the Body.

Which was agreed to.

The President appointed Senators Rawls, Stenstrom, and Adams as the Committee.

The Committee withdrew.

Senator Johnson moved that a Committee be appointed to notify the House of Representatives that the Senate is now organized and ready to proceed with the business for which the Session was called.

Which was agreed to.

The President appointed Senators Johnson, Brackin, and Belser as the Committee.

The Committee withdrew.

The Committee appointed to wait upon the Governor and

notify His Excellency of the organization of the Senate appeared at the Bar of the Senate and conveyed to the Senate the following message from His Excellency:

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE

September 27, 1957

Honorable W. A. Shands
President of the Senate
Capitol Building
Tallahassee, Florida

Dear Mr. President:

I would like the privilege of addressing a joint session of the Senate and House of Representatives on Monday, September 30, concerning the matter of constitutional revision.

I suggest the time of 12:30 p.m., if the same is agreeable to you and the other members of the Legislature.

Respectfully,
LeROY COLLINS
Governor

The Committee was then discharged.

The Committee appointed to notify the House of Representatives of the organization of the Senate appeared at the Bar of the Senate and reported that its duty had been performed.

The Committee was then discharged.

A Committee from the House of Representatives, composed of Messrs. Horne of Leon, Roberts of Palm Beach and Herrell of Dade appeared at the Bar of the Senate and stated that the House of Representatives was duly organized in Extraordinary Session and ready to proceed to the business of the Session.

The Committee withdrew.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the Rules of the 1957 Regular Session be adopted to govern this Extraordinary Session of the Senate.

Which was agreed to and it was so ordered.

The President announced the reappointment of the same committees which served during the 1957 Regular Session with Senator Sutton serving on any and all committees on which Senator J. B. Rodgers, Jr., resigned, served during said session.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
Sept. 30, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Mr. Beasley of Walton—

House Concurrent Resolution No. 1-X:

A CONCURRENT RESOLUTION PROVIDING THAT THE HOUSE OF REPRESENTATIVES AND THE SENATE CONVENE IN JOINT SESSION IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT 12:20 P. M., SEPTEMBER 30, 1957.

WHEREAS, His Excellency, LeRoy Collins, Governor of Florida, has expressed a desire to address the Legislature of Florida in Joint Session on this day, Monday, September 30, 1957, at 12:30 P. M.;

THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the House of Representatives and Senate convene in Joint Session in the Chamber of the House of Representatives at 12:20 P. M. this day, Monday, September 30, 1957, for the purpose of receiving His Excellency's message.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 1-X, contained in the above message, was read the first time in full.

Senator Davis moved that the rules be waived and House Concurrent Resolution No. 1-X be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 1-X was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to and House Concurrent Resolution No. 1-X was adopted and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to House Concurrent Resolution No. 1-X, the Senate formed in processional order and marched in a body to the Chamber of the House of Representatives in the order of their services as Senators, preceded by the President of the Senate, who was preceded by the Secretary of the Senate, the way being opened to the hall of the House of Representatives for the Senators by the Sergeant-at-Arms of the Senate.

Honorable Doyle E. Conner, Speaker of the House of Representatives, received the President of the Senate on the rostrum and requested him to preside over the joint assembly.

The President in the Chair.

By direction of the President, the Chief Clerk of the House of Representatives called the roll of the House of Representatives and the following members answered to their names:

Mr. Speaker	Griffin, B.H., Jr.	Mitchell, R. O.	Saunders
Alexander	Griffin, J.J., Jr.	Mitchell, Sam	Shaffer
Anderson	Grimes	Muldrew	Shipp
Arrington	Harris	Musselman	Smith, R. J.
Askins	Herrell	O'Neill	Smith, S. C.
Ayers	Hollahan	Orr	Stewart, E. L.
Earron	Hopkins	Papy	Stone
Bartholomew	Horne	Patton	Strickland
Beasley	Inman, J. C.	Peacock	Surles
Beck	Inman, W. M.	Peavy	Turlington
Blank	Johnson	Petersen	Usina
Carney	Jones	Porter	Vocelle
Chaires	Karl	Pratt	Wadsworth
Chappell	Kimbrough	Putnal	Weinstein
Cleveland	Livingston	Roberts, C. A.	Williams, B. D.
Crews	Maness	Roberts, E. S.	Williams, G. W.
Cross	Mann	Roberts, H. W.	Williams, J.R.A.
Daniel	Manning	Rowell, E. C.	Wise
Duncan	Marshburn	Rowell, M. H.	Youngberg
Frederick	Mattox	Russ	Zelmenovitz
Gibbons	McAlpin	Ryan	

A quorum of the House of Representatives was declared present.

By direction of the President, the Secretary of the Senate called the roll of the Senate and the following Senators answered to their names:

Mr. President	Boyd	Carraway	Edwards
Adams	Brackin	Clarke	Gautier
Barber	Branch	Connor	Getzen
Beall	Bronson	Davis	Hair
Belser	Cabot	Dickinson	Hodges
Bishop	Carlton	Eaton	Houghton

Johnson	Morgan	Pope	Stenstrom
Kelly	Neblett	Rawls	Stratton
Kickliter	Pearce	Rood	Sutton

—36.

A quorum of the Senate was declared present.

The President announced a quorum of the joint assembly present.

Senator Edwards moved that a Committee be appointed to inform His Excellency, LeRoy Collins, Governor of Florida, that the Joint Session of the Legislature was assembled and ready to receive his message.

Which was agreed to.

The President appointed Senators Edwards and Pope, on the part of the Senate, and Messrs. Musselman of Broward, Crews of Baker and Smith of DeSoto, on the part of the House of Representatives, as the Committee.

The Committee withdrew.

The Committee appointed to wait upon the Governor reappeared in the hall of the House of Representatives escorting His Excellency, LeRoy Collins, Governor of Florida.

The Governor was received by the Joint Assembly standing, and was escorted to the rostrum.

Governor Collins was presented to the Body by the President of the Senate and addressed the Joint Assembly.

At the conclusion of Governor Collins' address, he was escorted to his office by the Committee previously appointed by the President.

Senator Davis moved that the Joint Assembly dissolve and the Senators resume their session in the Senate Chamber.

Which was agreed to.

The Senate returned to the Senate Chamber in processional order and resumed its session at 1:12 o'clock P.M.

The roll was called and the following Senators answered to their names:

Mr. President	Cabot	Getzen	Pearce
Adams	Carlton	Hair	Pope
Barber	Carraway	Hodges	Rawls
Beall	Clarke	Houghton	Rood
Belser	Connor	Johns	Stenstrom
Bishop	Davis	Johnson	Stratton
Boyd	Dickinson	Kelly	Sutton
Brackin	Eaton	Kickliter	
Branch	Edwards	Morgan	
Bronson	Gautier	Neblett	

—37.

A quorum present.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

The President submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senators Stratton and Pearce—

S. B. No. 1-X(57)—A bill to be entitled An Act relating to tax on sales, use and certain transactions; amending Section 212.08(7), Florida Statutes, relating to specified exemptions.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Senator Pearce moved that the rules be waived and Senate Bill No. 1-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1-X(57) was read the second time by title only.

Senator Pearce moved that the rules be further waived and Senate Bill No. 1-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 1-X(57) the roll was called and the vote was:

Yeas—36.

Mr. President	Bronson	Edwards	Kickliter
Adams	Cabot	Gautier	Morgan
Barber	Carlton	Getzen	Neblett
Beall	Carraway	Hair	Pearce
Belser	Clarke	Hodges	Rawls
Bishop	Connor	Houghton	Rood
Boyd	Davis	Johns	Stenstrom
Brackin	Dickinson	Johnson	Stratton
Branch	Eaton	Kelly	Sutton

Nays—1.

Pope

So Senate Bill No. 1-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The President submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senators Kickliter, Carraway, Davis, Pearce and Shands—

S. B. No. 2-X(57)—A bill to be entitled An Act relating to alcoholic beverages; amending Section 561.43, Florida Statutes, providing for certain exemptions from prohibition of licensing manufacturers or distributors in dry counties; setting effective date.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Senator Kickliter moved that the rules be waived and Senate Bill No. 2-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 2-X(57) was read the second time by title only.

Senator Kickliter moved that the rules be further waived and Senate Bill No. 2-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 2-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 2-X(57) the roll was called and the vote was:

Yeas—36.

Mr. President	Cabot	Gautier	Morgan
Adams	Carlton	Getzen	Neblett
Barber	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Boyd	Davis	Johns	Rood
Brackin	Dickinson	Johnson	Stenstrom
Branch	Eaton	Kelly	Stratton
Bronson	Edwards	Kickliter	Sutton

Nays—None.

So Senate Bill No. 2-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Davis moved that the rules be waived and when the Senate adjourns at this Session it adjourn to reconvene at 2:30 o'clock P. M., this day.

Which was agreed to by a two-thirds vote and it was so ordered.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 1:35 o'clock P. M., until 2:30 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 2:30 o'clock P. M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Cabot	Getzen	Pearce
Adams	Carlton	Hair	Pope
Barber	Carraway	Hodges	Rawls
Beall	Clarke	Houghton	Rood
Belser	Connor	Johns	Stenstrom
Bishop	Davis	Johnson	Stratton
Boyd	Dickinson	Kelly	Sutton
Brackin	Eaton	Kicklitter	
Branch	Edwards	Morgan	
Bronson	Gautier	Neblett	

—37.

A quorum present.

The Senate resumed the introduction of Bills.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

The President submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senator Kicklitter—

S. B. No. 3-X(57)—A Bill to be entitled An Act regulating the establishment of cemeteries in Hillsborough County, Florida, in which lots are to be sold to the public; providing for the preparation, filing, and recording of a map or plat of said cemeteries; requiring the approval of said map or plat by the Board of County Commissioners; repealing all laws or parts of laws, both general and special, in conflict therewith and repealing Chapter 22328, Laws of Florida, Special Acts, 1943; but not regulating the establishment or use of any church or family cemetery or private burying ground.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 3-X(57) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Kicklitter moved that the rules be waived and Senate Bill No. 3-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 3-X(57) was read the second time by title only.

Senator Kicklitter moved that the rules be further waived and Senate Bill No. 3-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 3-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 3-X(57) the roll was called and the vote was:

Yeas—37.

Mr. President	Beall	Boyd	Bronson
Adams	Belser	Brackin	Cabot
Barber	Bishop	Branch	Carlton

Carraway	Gautier	Kelly	Rood
Clarke	Getzen	Kicklitter	Stenstrom
Connor	Hair	Morgan	Stratton
Davis	Hodges	Neblett	Sutton
Dickinson	Houghton	Pearce	
Eaton	Johns	Pope	
Edwards	Johnson	Rawls	

Nays—None.

So Senate Bill No. 3-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The President submitted to the Senate the question of whether or not the following Bill should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senators Dickinson and Cabot—

S. B. No. 4-X(57)—A bill to be entitled An Act relating to the term of court of the Fifteenth Judicial Circuit of the State; amending Section 26.36, Florida Statutes; providing an effective date.

And by a two-thirds affirmative vote of the Senate the Bill was admitted for introduction and consideration by the Senate, and was read the first time by title only.

Senator Dickinson moved that the rules be waived and Senate Bill No. 4-X(57) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 4-X(57) was read the second time by title only.

Senator Dickinson moved that the rules be further waived and Senate Bill No. 4-X(57) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 4-X(57) was read the third time in full.

Upon the passage of Senate Bill No. 4-X(57) the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Getzen	Pearce
Adams	Carlton	Hair	Pope
Barber	Carraway	Hodges	Rawls
Beall	Clarke	Houghton	Rood
Belser	Connor	Johns	Stenstrom
Bishop	Davis	Johnson	Stratton
Boyd	Dickinson	Kelly	Sutton
Brackin	Eaton	Kicklitter	
Branch	Edwards	Morgan	
Bronson	Gautier	Neblett	

Nays—None.

So Senate Bill No. 4-X(57) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 5-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE I OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article I of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE I

DECLARATION OF RIGHTS

Section 1. **Political power--government.**— All political

power is inherent in the people. Government is instituted for their protection, security, and benefit. They have the right to regulate their government and to amend or repeal this constitution. The enumeration herein of certain rights shall not be construed to deny or impair others retained by the people.

Section 2. Equality--inalienable rights-- property rights of foreigners.—All persons, including foreigners eligible to become citizens of the United States, are equal before the law and have inalienable rights. Among these are the right to enjoy life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess, and protect property; but the legislature may regulate or prohibit the ownership, inheritance, disposition, or possession of real property by persons ineligible for citizenship.

Section 3. Religious freedom.—The free exercise and enjoyment of religious belief and worship shall never be abridged, but this freedom shall not be construed to justify licentiousness or practices inconsistent with peace and safety. No person shall be incompetent as a witness or ineligible for jury duty or public office because of religious belief. No preference shall be given by law to any religious denomination or mode of worship, and no public funds shall be granted directly or indirectly in aid of any religious denomination or sectarian institution.

Section 4. Freedom of speech and press.—Every person may freely speak, write, and publish his sentiments on any subject, being responsible for the abuse of this right, and no law shall restrain or abridge the freedom of speech or of the press. The truth of the matter published and good motive in publishing it shall constitute a complete defense in any criminal or civil proceeding for defamation.

Section 5. Assembly--petition.—The people may assemble peaceably to consult for the common good, may instruct their representatives, and may petition for redress of grievances.

Section 6. Right to work--collective bargaining.—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. This section shall not be construed to deny or abridge the right of employees by and through a labor organization or labor union to bargain collectively with their employer.

Section 7. Right to bear arms.—Every person may keep and bear arms in defense of his home, person, property, and the lawful authority of the state, but the legislature may prescribe the manner of bearing them.

Section 8. Searches and seizures.—The people shall be secure in their persons, houses, papers, and effects against unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue except upon oath or affirmation showing probable cause and particularly describing the place to be searched and the person or thing to be seized.

Section 9. Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Section 10. Condemnation — preliminary taking. — Private property shall not be taken without full compensation determined by a jury of twelve. Interim possession may be obtained after commencement of suit upon securing payment by deposit of money, an equitable part of which shall be released upon application of the party entitled. Benefits resulting from improvements proposed to be made by a private or public corporation or individual shall not be applied in reduction of compensation. The legislature may provide for drainage of private land over or through that of another upon payment of full compensation.

Section 11. Attainder—ex post facto law—impairment of contract.—No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

Section 12. Indictment—information—plea—sentence.—No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath

filed by the prosecuting officer of the court. A person charged with any crime not capital may be arraigned and may plead thereto in term or vacation, and the court may at any time pronounce judgment and sentence on a plea of guilty.

Section 13. Habeas corpus.—The writ of habeas corpus shall be granted as of right, promptly and without cost.

Section 14. Bail.—Until adjudged guilty, every person is entitled to release on reasonable bail with sufficient surety unless charged with a capital offense and the proof of guilt is evident or the presumption is great.

Section 15. Jury trial—rights of accused.—The right of trial by jury in criminal and civil proceedings as heretofore established shall be secured to all and remain inviolate.

In all criminal prosecutions the accused shall have the right to demand the nature and cause of the accusation, to be furnished with a copy of the charges, to have compulsory process for attendance of witnesses in his favor, to be confronted in any trial with the witnesses against him, to be heard in person or by counsel or both, and to have a speedy, public, and impartial trial by jury in the county where the crime was committed, if such county is known. If such county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in such area shall be sufficient, but the accused may before pleading elect the county in which to be tried. No person shall be compelled to pay costs until convicted on final trial.

No person shall be twice put in jeopardy for the same offense, or be compelled in any criminal case to be a witness against himself, or be deprived of life, liberty, or property without due process of law.

Section 16. Excessive fines—cruel punishment—attainder—detention of witnesses.—Excessive fines, cruel or unusual punishment, attainder, indefinite imprisonment, and unreasonable detention of witnesses are forbidden.

Section 17. Involuntary servitude—imprisonment for debt.—Involuntary servitude is prohibited except as punishment for crime following conviction. No person shall be imprisoned for debt without fraud.

Section 18. Penalties imposed by administrative agencies.—No administrative agency shall impose a sentence of imprisonment. Any penalty imposed by an administrative agency shall be prescribed by law and its imposition shall be subject to judicial review by trial de novo, or otherwise as the legislature may provide.

Section 19. Treason.—Treason against the state consists only of levying war against it or of adhering to or aiding its enemies; and no person shall be convicted thereof without confession in open court or the testimony of two witnesses to the same overt act.

Section 20. Military subordinate to civil—quartering.—The military power is in strict subordination to the civil. No member of the military shall be quartered on private property in time of peace without the consent of the owner, and in time of war all quartering shall be as prescribed by law.

Section 21. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles II, III, IV, and VI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 6-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article II of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE II

GENERAL PROVISIONS

Section 1. **Rules of construction.**—Unless qualified in the text the following rules of construction shall apply to this constitution:

- (a) "Herein" refers to the entire constitution.
- (b) The singular includes the plural.
- (c) The masculine includes the feminine and the neuter.
- (d) "Vote of the electors" means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the qualified electors of the governmental unit referred to in the text.
- (e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter; the vote or other action "of the membership" means the vote or action of all members thereof.
- (f) Titles and subtitles shall not be used in construction.

Section 2. **Branches of government.**—The powers of the state government shall be divided into the Legislative, Executive, and Judicial branches. No person properly belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Section 3. **State boundaries.**—The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30° 16' 53" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 17' 02" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 18' 00" north and longitude 87° 27' 08" west intersect; thence to the point where the center line of the Intra-coastal Canal (as the same existed on June 12, 1953) and longitude 87° 27' 00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31° 00' 00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31° 00' 00", north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean, and extending therein to a point three geographic miles from the Florida coast line, meaning the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of

inland waters; thence southeastwardly following a line three geographic miles distant from the Atlantic coast line of the state and three leagues distant from the Gulf of Mexico coast line of the state to and around the Tortugas Islands; thence northeastwardly, three leagues distant from the coast line, to a point three leagues distant from the coast line of the mainland; thence north and northwestwardly, three leagues distant from the coast line, to a point west of the mouth of the Perdido River, three leagues from the coast line, as measured on a line bearing 0° 01' 00" west from the point of beginning; thence along said line to the point of beginning.

The legislature may extend the coastal boundaries to such limits as the laws of the United States or international law may permit.

Section 4. **Seat of government—location of offices.**—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the executive officers and of the supreme court shall be maintained; provided, when necessary because of invasion or grave emergency the governor by proclamation may for the period necessary transfer the seat of government to another place. Administrative agencies shall maintain their offices at the places prescribed by law.

Section 5. **State seal and flag.**—The design of the great seal and flag of the state shall be prescribed by the legislature.

Section 6. **Felony—definition.**—The term "felony" as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

Section 7. **Census.**—The latest state-wide decennial federal census shall be the official state census and shall be cited in all laws based on population and for reapportionment of representation. County or district censuses may be taken for all other purposes as provided by law.

Section 8. **Public officers—methods of selection—qualifications—residence and other limitations—appointment—vacancy—refusal of confirmation—term—duties and personal attention thereto—oath—bond—payment of compensation.**—The legislature shall provide for election by the people or appointment by the governor of each state or county officer if the method of his selection is not provided herein, and except as provided herein it shall prescribe his qualifications, method of election, duties, powers, term, and compensation, and also the membership of each board or commission. Each public officer shall maintain his residence within the area from which selected whenever election or appointment from a designated area is required by law. No person holding or exercising the functions of any office under a foreign government, the United States, or another state, shall hold any office of honor or profit under the government of this state. No person shall at the same time hold or perform the functions of more than one office under the government of this state; provided, notaries public and military officers may be elected or appointed to fill any single legislative, executive, or judicial office.

Except as provided herein and as may be provided by law for selection of jury commissioners, the governor shall make all appointments to each state or county appointive office and shall fill each vacancy in office. Vacancy occurs upon death, failure to qualify within fifteen days from commencement of the term of office to which elected, or, after qualification, upon removal, impeachment, resignation, succession to another office, failure to maintain residence within the area from which selected, or unexplained absence for six months. If confirmation of appointment to an office is required and the senate disapproves the appointment, the person proposed shall be ineligible for appointment to that office for four years from refusal of confirmation.

Except as provided herein no term of office shall exceed four years and the term of each elective officer shall commence at noon, standard time at the seat of office, on the first Tuesday after the first Monday in January following the election. An officer elected to fill a vacancy shall serve from noon on such Tuesday for the unexpired portion of the term, and one appointed to fill a vacancy in elective office shall serve until his elected successor takes office. An appointive officer whose term is not fixed by law shall serve at the pleasure of the appointing authority. Each public officer shall continue in office until his successor qualifies.

Each public officer or agency shall perform the duties prescribed herein, and all except the governor shall perform all other duties prescribed by law. Each public officer shall devote personal attention to the duties of his office. Each legislator shall take the following oath of office on the first day of the next session of the legislature following his election but upon election shall be qualified to participate in all interim legislative activities, and each other public officer before taking office shall swear or affirm: "I do solemnly swear [or affirm] that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of [title of office] on which I am now about to enter. So help me God."

Each public officer shall give bond as provided by law and shall not be surety upon the official bond of another public officer. His compensation shall be payable monthly on his own requisition.

Section 9. Property of married women.—All property of a wife owned before or acquired after marriage shall be her separate property and shall not be liable for the debts of her husband without her written consent executed according to law governing conveyance of the subject property.

Section 10. Suits against public bodies—extra compensation—claim bills.—The legislature may provide by general law for suits against the state or any public body therein.

No extra compensation shall be paid to any officer, agent, or employee after the service is rendered, or to any contractor except in accordance with the terms of the contract. No money shall be appropriated for or paid on any claim not specifically identified and provided for by law in force when the claim accrues unless the compensation or claim has been allowed by bill passed by two thirds of the members elected to each house of the legislature.

Section 11. Civil actions—restrictions on statutes of limitation.—The time for bringing a civil action on any existing cause of action shall not be reduced without providing a reasonable period for bringing it.

Section 12. Criminal statutes—repeal or modification.—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime committed prior thereto.

Section 13. Amendments to United States constitution—prerequisite to state action.—No state convention or legislature shall take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof shall have been elected after its submission to the states.

Section 14. Lotteries prohibited.—All lotteries are prohibited.

Section 15. Miscegenation prohibited.—Marriage between a white person and a person of negro descent through the fourth generation is prohibited.

Section 16. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, III, IV, and VI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may

by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 7-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article IV of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE IV

EXECUTIVE

Section 1. Governor--chief executive--commander-in-chief--grants--commissions.—The supreme executive power shall be vested in the governor. He shall take care that the laws are faithfully executed, be commander-in-chief of all state armed forces not in the active service of the United States, transact all executive business with state civil and military officers, and sign all grants. He shall issue each state and county officer a commission in the name of the state, bearing its great seal attested by the secretary of state, and shall sign it unless otherwise provided by law.

Section 2. Governor--message to legislature.—At least once in each regular session the governor shall by message inform the legislature concerning the condition of the state and recommend measures in the public interest.

Section 3. Governor--suspensions--filling office during suspensions.—By executive order stating the ground and filed with the secretary of state, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony, and may fill the office by appointment for the period of suspension.

The suspended officer shall be deemed to have acquiesced in the suspension and surrendered all claim to the office unless within thirty days from the filing of the suspension order he shall file with the secretary of state a written demand for a hearing, which shall be accorded promptly before the governor or a disinterested cabinet member designated by the governor in writing. All evidence supporting the suspension and all evidence that the officer has in his defense shall be presented and recorded at the hearing, and a transcript thereof and all documentary evidence shall be filed with the secretary of state. The governor shall thereupon file with the secretary of state a further order stating his findings and finally confirming or revoking the suspension. If the order does not revoke the suspension and reinstate the officer, the secretary of state shall transmit to the senate, on the next day it is in regular session, certified copies of the orders and of the record of the hearing; provided, if these copies are not submitted prior to the forty-sixth day of the session the senate may postpone consideration until the next session. The senate may take further evidence and shall sustain or disapprove the suspension. If it disapproves before adjourning, the officer shall be reinstated and shall receive compensation from the state to the date of reinstatement or to the date of expiration of his term of office, whichever is earlier. The proceedings hereunder shall not affect his criminal or civil liability.

Section 4. Cabinet--membership--election--term--qualifications.—The Cabinet shall consist of the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Education, and Commissioner of Agriculture. Each cabinet member shall be elected quadrennially at the same state-wide general election for a term of four years and when elected shall be at least twenty-five years of age and for the ten immediately preceding years shall have been a citizen and resident of the state. No person who has become governor by election or succession shall again be governor until four years after the expiration of the term within which he served.

Section 5. Cabinet—duties as board of commissioners of state institutions and as budget commission.—The cabinet shall constitute the Board of Commissioners of State Institutions, which shall supervise state institutions in the manner prescribed by law.

Section 6. Appointment of directors—reports.—The legislature may authorize any board composed entirely of cabinet members to appoint a director of any department under the supervision of such board.

The governor may require information in writing from any state executive or administrative officer and from any county officer regarding his executive or administrative duties. At the beginning of each regular session of the legislature, and at such other times as the governor may request, each state executive officer shall report in writing his official acts and the receipts, expenditures, and requirements of his office to the governor, who shall lay the reports before the legislature at the beginning of the session.

Each state, county, district, or municipal executive officer, agency head, or employee shall furnish information regarding his department, office, or employment upon the request of either house of the legislature.

Section 7. (a) Pardon board—application for pardon.—The cabinet shall constitute the Pardon Board. In all cases except treason the governor and any three others may grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures. The legislature shall prescribe the manner of applying for pardons.

(b) Governor—reprieves—remissions or suspensions of fines.—The governor may suspend collection of fines and forfeitures and grant reprieves not exceeding sixty days in all cases except treason. In cases of treason the reprieve may extend to the next legislative session, and at the commencement thereof the governor shall report the treason cases to the legislature, which may direct execution of the sentence or grant a pardon or further reprieve. If it adjourns without disposing of the case the governor shall enforce the sentence. A record of each pardon, commutation, remission, reprieve, and suspension granted shall be filed with the secretary of state.

(c) Parole commission.—The legislature may create a Parole Commission, prescribe the qualifications, method of selection, and terms of its members, and empower it to supervise persons on probation and to grant parole or conditional releases to persons under sentence for crime.

Section 8. Advisory opinions of justices.—The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented. They shall render their written opinion not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury.

Section 9. Succession to office of governor—service as acting governor.—The secretary of state shall become governor upon failure of the governor-elect to qualify or upon death, resignation, or removal of the governor. Further succession to the office of governor shall devolve first upon the president of the senate, next upon the speaker of the house of representatives, and thereafter as prescribed by law. A successor shall serve for the remainder of the term.

Upon impeachment of the governor and until completion of trial thereon, or during his physical or mental incapacity, the secretary of state shall act as governor. Further succession as acting governor shall devolve first upon the president

of the senate, next upon the speaker of the house of representatives, and thereafter as prescribed by law. Incapacity to serve as governor shall be determined only by the supreme court upon due notice after docketing of written suggestion thereof by four cabinet members, and restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature, or four cabinet members; provided, by certificate filed with the secretary of state the governor may declare his incapacity for physical reasons to serve as governor or may declare that incapacity has ceased.

Section 10. Secretary of state—duties.—The secretary of state shall keep the records of official acts of the legislative and executive departments and when requested by either house of the legislature shall lay them and all related matters before it. He shall attest and affix the great seal of the state to all grants and commissions and be custodian of the great seal of the state.

Section 11. Attorney general—duties.—The attorney general shall be the legal advisor to each officer of the state executive branch.

Section 12. Comptroller—duties.—The comptroller shall examine, preaudit, adjust, and settle all state accounts. He shall be responsible for collecting all taxes due the state except as provided by law.

Section 13. Treasurer—duties.—The treasurer, in the manner prescribed by law, shall keep all funds and securities and make all disbursements, but he shall not disburse funds without the order of the comptroller, countersigned by the governor as a ministerial duty enforceable by writ of mandamus.

Section 14. Superintendent of education—duties.—The state superintendent of education shall supervise the public school system according to law.

Section 15. Commissioner of agriculture—duties.—The commissioner of agriculture shall perform the duties prescribed by law relating to agriculture, shall maintain the Bureau of Agricultural Information, and shall be custodian of records pertaining to public lands.

Section 16. Game and fresh water fish commission—duties—membership — director — powers — licenses — penalties — state game fund.—(a) The management, restoration, conservation, and regulation of the mammal, bird, reptile, and amphibian wildlife, and of the fresh water fish of the state, and the acquisition, establishment, control, and management of hatcheries, sanctuaries, refuges, reservations, and property owned or used for such purposes by the state, shall be vested in a Game and Fresh Water Fish Commission, a body corporate composed of five members. The cabinet shall from time to time divide the state into five districts and, subject to confirmation by the senate, shall appoint the commissioners, one from each district, for terms of five years staggered so that one of the terms expires each year. The commissioners shall annually select one of their members as chairman. They shall receive travel and per diem allowances and may receive compensation as provided by law.

(b) The commission shall appoint and at pleasure remove a Director, who shall be its executive head. He shall, subject to approval by the commission, appoint, fix the salaries of, and discharge its assistants and employees and shall exercise other powers and perform other duties prescribed by it. Members of the commission are ineligible for employment by it.

(c) The commission may, among its powers, establish bag limits and open and closed seasons on a state-wide, regional, or local basis and regulate the manner of taking, transporting, storing, and using mammals, birds, game, fur-bearing animals, reptiles, amphibians, and fresh water fish.

(d) The legislature shall have exclusive power to enact laws imposing license taxes relating to this section and to fix penalties for violation of regulations made pursuant to it and may enact laws in aid of but not inconsistent with its provisions.

(e) Funds derived from the operation of the commission and from license taxes authorized by this section, and all other funds appropriated or provided from any source for the purposes comprehended by it, shall constitute the State Game Fund and shall be used exclusively by the commission and

solely for the purposes provided in this section. Unless otherwise authorized by law the commission shall not incur any obligations exceeding the current amount of the fund.

Section 17. Conservation of salt water fish, shellfish, and products.—The legislature shall establish an agency to conserve and supervise the salt water fish, salt water shellfish, and salt water products of the state and shall empower it to make regulations relating thereto, which need not apply uniformly throughout the state and may be repealed or modified by law. Should the game and fresh water fish commission be established as the agency, it shall thereupon be designated Game and Fish Commission.

Section 18. Railroad and public utilities commission.—The legislature shall establish a Railroad and Public Utilities Commission and prescribe its membership, duties, and powers, including quasi-judicial powers.

Section 19. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, II, III, and VI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 8-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE VI OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article VI of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE VI

SUFFRAGE AND ELECTIONS

Section 1. Secret vote--direct vote--choice by plurality--regulation of elections.—Unless otherwise provided herein, all elections by the people shall be by secret and direct vote and shall be determined by a plurality of the votes cast. The conduct of elections, requirements for absentee voting, methods of voting, determination of election returns, and procedure in election contests shall be prescribed by law. Recognition, regulation, and nominating procedure of political parties shall be provided by law.

Section 2. Electors—qualifications—registration.—Every citizen of the United States who is twenty-one years of age, and who immediately preceding registration has been a permanent resident for one year in the state and for six months in the county in which he applies to register, shall upon registering be a qualified elector of such county at all elections under this constitution. The legislature shall provide for registration of all electors, and may provide for registration of electors outside the territorial limits of the state, and no person may vote unless registered according to law. A naturalized citizen shall exhibit his certificate of naturalization or a duly certified copy thereof to the registration officer when applying for registration.

Section 3. Oath of electors.—Each elector shall take the following oath upon registering: "I do solemnly swear [or affirm] that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am twenty-one years of age, that I have been a resident of the State of Florida for one year and of the county for six months, and that I am qualified to vote under the Constitution and laws of the State of Florida."

Section 4. Disqualifications.—No person convicted in this state of a felony, or elsewhere convicted of a crime that would constitute a felony if committed in this state, or judicially determined to be of unsound mind, or under judicial guardianship because of mental disability, shall be qualified to vote or hold public office until his civil rights are restored or his disability removed.

Section 5. General and special elections.—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state or county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. The month and day of general elections may be changed by law.

Special elections and referenda shall be held at the time and in the manner provided by law.

Section 6. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I through IV and VII through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 9-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article VII of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE VII

LOCAL GOVERNMENT

Section 1. **Counties—municipalities—special districts—powers and functions.**—All powers of local government shall be exercised by counties, municipalities, and special districts, and shall be limited to those delegated herein or by the legislature. They shall also perform such state functions as the legislature may provide.

Section 2. **Counties as political subdivisions.—county seats.**—The state shall be divided into political subdivisions called counties. The counties and their respective county seats as now established are recognized, and no county seat may be changed except by vote of the electors; provided, in the formation of new counties the county seat may be temporarily established by law.

Section 3. **Establishment of new counties.**—The legislature shall have power to establish new counties and to change county lines. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from any county or counties; and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

Section 4. **Location of county offices—public records.**—The principal offices and permanent records of all county officers shall be at the county seat; provided, by vote of the electors, branch offices for the conduct of county business and facilities for court proceedings may be established elsewhere in the county. No instrument shall be deemed recorded until filed in the proper office at the county seat.

Section 5. (a) **Commissioner districts—decennial revision—county commission.**—Each county shall be divided into five commissioner districts numbered consecutively, and its governing body shall be a Board of County Commissioners, consisting of five members, one from each commissioner district. Upon certification of each decennial federal census the board of county commissioners shall forthwith revise the boundaries of the commissioner districts so that according thereto they will be approximately equal in population, giving consideration to geographic area.

(b) **County officers—selection—term of office.**—The following officers shall be elected by and from among the electors of each county for a term of four years: one member of the board of county commissioners from each commissioner district, one member of the County School Board from each commissioner district unless otherwise provided by law, County Judge or Judges as provided herein, Clerk of the Circuit Court, Sheriff, Tax Assessor, Tax Collector, County School Superintendent, and Supervisor of Registration; provided, by local or general law subject to the approval of the electors of any county, each member of the board of county commissioners and of the county school board shall be elected by and from among the electors of the district within which he resides and qualifies for office. Each member of the board of county commissioners and of the county school board shall reside in the district from which elected. Successors to those members of the board of county commissioners representing odd-numbered districts and of the county school board representing even-numbered districts shall be elected in 1960, and successors to those representing respectively even-numbered districts and odd-numbered districts shall be elected in 1962; provided, succession to county school board membership may be changed by law.

Section 6. **Welfare.**—Counties shall provide in the manner

prescribed by law for residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune.

Section 7. **Alcoholic beverages—county option.**—Upon petition of one fourth of the electors of a county the board of county commissioners shall provide for a special election to determine whether sale of all intoxicating beverages shall be prohibited therein or to determine the method of such sale where permitted; and in like manner an election shall be held in a county prohibiting sale to determine whether such prohibition shall be removed. The election shall be held within sixty days from presentation of the petition unless a regular primary or general election falls within such period, in which event it shall be held within sixty days thereafter. Not more than one such election shall be held in any two-year period.

Section 8. **Criminal cases—costs and fines.**—In all criminal cases prosecuted in the name of the state against an insolvent or discharged defendant, the county in which the case was prosecuted shall under regulations prescribed by law pay the legal costs. All fines and forfeitures collected in each county under the state penal laws shall be applied to payment of costs and expenses of prosecuting crimes therein.

Section 9. **Municipalities — establishment — abolition — government — protection of creditors.**—The legislature may establish and abolish municipalities, may provide for their government, and may prescribe and alter at any time their jurisdiction and powers. Whenever a municipality is abolished, provision shall be made for the protection of its creditors.

Section 10. **Municipal taxes—assessment and collection by county officers.**—Subject to approval by vote of the municipal electors at a special election held separately or with any other election the legislature may by general, special, or local law provide for assessment and collection of the taxes of any municipality by the tax assessor and tax collector respectively of the county in which it is situated and for payment by the municipality of reasonable compensation to these county officers for performance of these additional duties.

Section 11. **Special districts lying in one county—governing board.**—Unless otherwise provided by law, the governing board of special districts lying wholly within a county shall be the board of county commissioners of the county. The legislature may provide by law for the appointment of the governing board by the governor or by the board of county commissioners, or for election thereof by the electors.

Section 12. **Special districts lying in more than one county—government.**—The legislature by special or local law may create special districts that include territory lying in more than one county and may prescribe their form of government, powers, and duties.

Section 13. **Local governmental units—cooperation with other governmental units.**—Any local governmental unit may contract and cooperate with other local governmental units, with the state, or with the United States in the exercise of any of its authorized proprietary functions for the planning, development, construction, acquisition, or operation of any public improvement or facility or for a common service.

Section 14. **Effective date of this article.**—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, II, III, IV, VI, and VIII through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments

at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 10-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article VIII of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE VIII

TAXATION AND FINANCE

Section 1. **Levy of tax pursuant to law—surrender of taxing power prohibited—drawing money from treasury.**—No tax shall be levied except as provided by law, and the power of taxation shall never be surrendered, suspended, or contracted away. No money shall be drawn from the treasury except in pursuance of appropriations made by law; provided, expenses of interim legislative committees as provided by concurrent resolution, including compensation of committee employees, may be drawn as legislative expense unless otherwise provided by law.

Section 2. **Credit and taxing power—limitations.**—The credit of the state shall not be pledged or loaned, directly or indirectly, to any individual, company, corporation, partnership, or association. The state shall not become a joint owner or stockholder in any company, association, or corporation. No tax shall be levied for the benefit of any chartered company. The legislature shall not authorize any county, municipality, special district, or agency of any of them to become a stockholder in any company, association, or corporation, or to obtain, or to appropriate money for, or to loan its credit to, any corporation, association, institution, or individual.

Section 3. **State bonds prohibited.**—State bonds shall not be issued for any purpose.

Section 4. **County, municipal, or district bonds.**—No county, municipality, or district shall issue any bonds other than refunding bonds without prior approval by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing therein shall participate. Such election may be held as a special election on that subject only, or by the use of separate ballots in conjunction with any special or general election.

Section 5. **Uniform and equal rate—no state ad valorem tax except on intangibles.**—(a) The legislature shall provide for raising sufficient revenue for each fiscal year to defray the expenses of the state, including state appropriations for state institutions of higher learning and the uniform system of free public schools, but no ad valorem tax shall be levied for any state purpose on any property except intangible personal property. The rate of taxation on all property except intangible personal property shall be uniform and equal.

(b) The legislature may levy on intangible personal property, in lieu of all other state, county, district, and municipal taxes, a tax at special rates not exceeding two mills of the assessed valuation, but any such intangible tax relating to an obligation secured by lien evidenced by writing shall be

imposed only once. The instrument shall not be entitled to record until the tax is paid.

(c) The legislature may apportion the proceeds of intangible taxes.

Section 6. **Motor vehicle license tax.**—Motor vehicles shall be subject to a license tax for their operation in lieu of all ad valorem taxes on them as personal property.

Section 7. **Income tax prohibited—limit on inheritance or estate tax.**—No tax shall be levied by the state or under its authority upon the income, inheritances, or estates of citizens or residents of the state; provided, the legislature may provide for the assessment, levy, and collection of a tax upon inheritances or estates of decedents not exceeding in the aggregate the amounts which may by any law of the United States be credited against or deducted from any similar tax on inheritances, or taxes on estates, assessed or levied by the United States on the same subject. The legislature may apportion all taxes collected hereunder to any state, county, or municipal purposes.

Section 8. **Allocation of pari mutuel excise taxes.**—The legislature may allocate and distribute to the counties, in equal amounts and at such times as it shall determine, any portion or all of the proceeds of state excise taxes on the operation of pari mutuel pools.

Section 9. (a) **Board of administration—gasoline and like taxes—distribution and use.**—Until January 1, 1993, the proceeds of two cents per gallon of the total tax levied by state law upon gasoline and other like products of petroleum, now known as the Second Gas Tax, and upon other fuels used to propel motor vehicles, shall as collected be placed monthly in the State Roads Distribution Fund in the state treasury and divided into three equal parts which shall be distributed monthly among the several counties as follows:

One part according to area, one part according to population, and one part according to the counties' contributions to the cost of state road construction in the ratio of distribution as provided in Chapter 15659, Laws of Florida, Acts of 1931, and for the purposes of the apportionment based on the counties' contributions for the cost of state road construction, the amount of the contributions established by the certificates made in 1931 pursuant to said Chapter 15659, shall be taken and deemed conclusive in computing the monthly amounts distributable according to said contributions. Such funds so distributed shall be administered by the State Board of Administration as hereinafter provided.

(b) The governor as chairman, the state treasurer, and the state comptroller shall constitute a body corporate to be known as the State Board of Administration. Said board shall have, in addition to such powers as may be conferred upon it by law, the management, control and supervision of the proceeds of said two cents of said taxes and all moneys and other assets which on January 1, 1943, are applicable or may become applicable to the bonds of the several counties of this state, or any special road and bridge district, or other special taxing district thereof, issued prior to July 1, 1931, for road and bridge purposes. The word "bonds" as used herein shall include bonds, time warrants, notes and other forms of indebtedness issued for road and bridge purposes by any county or special road and bridge district or other special taxing district, outstanding on July 1, 1931, or any refunding issues thereof. Said board shall have the statutory powers of boards of county commissioners and bond trustees and of any other authority of special road and bridge districts, and other special taxing districts thereof with regard to said bonds, (except that the power to levy ad valorem taxes is expressly withheld from said board) and shall take over all papers, documents and records concerning the same. Said board shall have the power from time to time to issue refunding bonds to mature prior to January 1, 1993, for any of said outstanding bonds or interest thereon, and to secure them by a pledge of anticipated receipts from such gasoline or other fuel taxes to be distributed to such county as herein provided, but not at a greater rate of interest than said bonds now bear; and to issue, sell or exchange on behalf of any county or unit for the sole purpose of retiring said bonds issued by

such county, or special road and bridge district, or other special taxing district thereof, gasoline or other fuel tax anticipation certificates bearing interest at not more than three percent per annum in such denominations and maturing at such time prior to January 1, 1993, as the board may determine. In addition to exercising the powers now provided by statute for the investment of sinking funds, said board may use the sinking funds created for said bonds of any county or special road and bridge district, or other unit hereunder, to purchase the matured or maturing bonds participating herein of any other county or any other special road and bridge district, or other special taxing district thereof, provided that as to said matured bonds, the value thereof as an investment shall be the price paid therefor, which shall not exceed the par value plus accrued interest, and that said investment shall bear interest at the rate of three percent per annum.

(c) The said board shall annually use said funds in each county account, first, to pay current principal and interest maturing, if any, of said bonds and gasoline or other fuel tax anticipation certificates of such county or special road and bridge district, or other special taxing district thereof; second, to establish a sinking fund account to meet future requirements of said bonds and gasoline or other fuel tax anticipation certificates where it appears the anticipated income for any year or years will not equal scheduled payments thereon; and third, any remaining balance out of the proceeds of said two cents of said taxes shall monthly during the year be remitted by said board as follows: Eighty percent to the State Road Department for the construction or reconstruction of state roads and bridges within the county, or for the lease or purchase of bridges connecting state highways within the county, and twenty percent to the board of county commissioners of such county for use on roads and bridges therein.

(d) Said board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted and no legislation shall be required to render this section of full force and operating effect from and after January 1, 1943. The legislature shall continue the levies of said taxes during the life of this section, and shall not enact any law having the effect of withdrawing the proceeds of said two cents of said taxes from the operation of this section. The board shall pay refunding expenses and other expenses for services rendered specifically for, or which are properly chargeable to, the account of any county from funds distributed to such county; but general expenses of the board for services rendered all the counties alike shall be prorated among them and paid out of said funds on the same basis said tax proceeds are distributed among the several counties; provided, report of said expenses shall be made to each regular session of the legislature, and the legislature may limit the expenses of the board.

Section 10. Tax exemptions.—(a) **Personal effects and household goods of family head.**—No tax shall be levied on \$500 of the assessed valuation of household goods and personal effects of the head of a family residing in this state, or on \$500 of the assessed valuation of property of a widow residing in this state or of a resident who has lost a limb or been disabled by war or other misfortune. These exemptions shall be cumulative.

(b) **Exemption of homestead from taxation.**—Every person who has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his or her permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the said home and contiguous real property, as defined in Article IX hereof. Said title may be held by the entireties, jointly, or in common with others, and said exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear, but no such exemption of more than \$5,000 shall be allowed to any one person or on any one dwelling house, nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person. The legislature may prescribe appropriate and reasonable laws regulating the manner of establishing the right to said exemption.

(c) **Religious, charitable, and other institutions.**—The legislature may by law exempt from taxation property held and

used exclusively for religious, charitable, educational, literary, scientific, state, county, or municipal purposes, and the property of a corporation authorized to construct a ship or barge canal for public use.

(d) No tax exemption shall be granted unless authorized herein.

Section 11. Local taxation.—The legislature shall make adequate provision for the assessment of property for taxation and the levying of taxes and of assessments for special benefits by counties and municipalities and by or for districts, for their respective purposes and for no other purpose. The legislature shall prescribe regulations that will insure a just valuation of all taxable real and personal property, and all assessments shall be subject to review, equalization, or adjustment as provided by law. The rate of taxation shall be uniform and equal.

Section 12. Illegal tax—prerequisite to relief.—Each taxpayer shall pay into court the portion of his taxes admitted to be regularly assessed and legally imposed before he can seek judicial relief from payment of the remainder, and before such relief is granted he shall pay any additional amount found to be due.

Section 13. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, II, III, IV, VI, VII, and IX through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 11-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article IX of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE IX

HOMESTEAD

Section 1. Homestead—exemption from forced sale—freedom from liens—exceptions—limitations on disposition.—The following property, owned by the head of a family residing on the realty in this state, shall be exempt from forced sale under

process of any court for all obligations incurred by him or imposed thereon, and no judgment, decree, or execution shall be a lien thereon, except for payment of (a) taxes and assessments thereon, (b) obligations contracted for the purchase thereof, (c) obligations contracted for erection or repair of improvements on the realty, or (d) obligations contracted for house, field, or other labor performed on the realty:

(i) A homestead to the extent of one hundred sixty acres of contiguous land and improvements thereon located outside a municipality, which area shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality, or one-half acre of contiguous land located within a municipality, which exemption within a municipality shall be limited to the residence and business house of the owner;

(ii) Personal property of the value of \$1,000.

Said exemptions shall inure to the surviving spouse and heirs of the owner.

The homestead shall not be subject to devise if the owner is survived by children. If the owner is married, it shall not be alienated or encumbered without the consent of the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

Section 2. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I, II, III, IV, VI, VII, VIII, and X through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 12-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article X of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE X

EDUCATION

Section 1. Uniform system of free public schools and higher institutions.—The legislature shall provide for the establish-

ment, maintenance, and operation of a uniform system of free public schools, and for institutions of higher learning.

Section 2. State board of education—powers and duties.—The members of the cabinet shall constitute the State Board of Education, which shall be a body corporate and have the management and investment of all state school funds pursuant to applicable law and such supervision of public schools and institutions of higher learning as may be provided by law.

Section 3. County school boards—membership—duties.—In each county the school board members shall constitute the county school board, which shall operate, control, and supervise all public schools within the county, levy the county school taxes, appoint the county school superintendent in those counties in which appointment is authorized, and perform other duties prescribed by law.

Section 4. State school fund—derivation—use.—The State School Fund shall consist of the proceeds of all lands granted to the state by the United States for public school purposes, twenty-five percent of the proceeds of sale of other public lands now or hereafter owned by the state, proceeds from escheats and forfeitures, state appropriations, and donations to this fund or to the state without specification of purpose. The principal of this fund shall remain inviolate, and interest derived from investment thereof shall be applied exclusively to the support of free public schools. Such interest and all other state means provided for the support and maintenance of free public schools shall be apportioned and distributed among the counties according to a principle of classification prescribed by general law.

Section 5. County school fund—sources—apportionment—restrictions on use.—Each county school board shall levy annually for the support of the free public schools of the county a tax of not less than three or more than ten mills of the assessed valuation of all taxable property therein, and upon vote of the electors that pay a tax on real or personal property it may levy an additional tax not exceeding ten mills. The County School Fund shall consist of the proceeds of these taxes, its share of the interest derived from the state school fund, any state appropriations distributed to it, and revenue derived from any other source for support and maintenance of free public schools. The county school board shall disburse these proceeds solely for the support and maintenance of free public schools as prescribed by general law, but no law shall be enacted authorizing the diversion or lending of such funds or the use of any part for support of any sectarian school.

Section 6. School bonds for capital outlay—issuance.—(a) Beginning January 1, 1953, and for thirty years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this section shall, as collected, be placed monthly in the County Capital Outlay and Debt Service School Fund in the state treasury, and used only as provided in this section. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred dollars multiplied by the total number of instruction units in all the counties of the state. The number of instruction units in each county in each year for the purposes of this section shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore or hereafter provided by general law, or (2) the number of instruction units in such county for the preceding school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board).

Such funds so distributed shall be administered by the state board as now created and constituted by Section 2 of Article X hereof. For the purposes of this section, the state board, as now constituted, shall continue as a body corporate during the life of this section and shall have all the powers provided in this section in addition to all other constitutional and statutory powers related to the purposes of this section heretofore or hereafter conferred upon the state board.

(b) The state board shall, in addition to its other consti-

tutional and statutory powers, have the management, control, and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a) hereof. The state board shall also have power, for the purpose of obtaining funds for the use of any county school board in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund, or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds shall bear interest at not exceeding four percent per annum and shall mature serially in annual installments commencing not more than three years from the date of issuance thereof and ending not later than January 1, 1983, and each annual installment shall not be less than three percent of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding four percent per annum and shall mature prior to January 1, 1983. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

The state board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this section and to enter into any covenants and other agreements with the holders of such bond or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the state board until after the adoption of a resolution requesting the issuance thereof by the county school board of the county on behalf of which such obligations are to be issued. The state board shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five percent of the amount which it determines can be serviced by the revenue accruing to the county under the provisions of this section. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the state board but shall be issued for and on behalf of the county school board requesting the issuance thereof, and no election or approval of qualified electors or freeholders shall be required for the issuance thereof.

(c) The state board shall in each year use the funds distributable pursuant to this section to the credit of each county only in the following manner and order of priority:

(1) To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the county school board of such county; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds to meet future requirements for debt service, or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the county school board of such county, under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

(3) To distribute annually to the several county school boards for use in payment of debt service on bonds heretofore or hereafter issued by any such board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the county school

board pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the state board to determine the capital outlay needs of the county.

The state board shall have power at the time of issuance of any bonds by any county school board to covenant and agree with such board as to the rank and priority of payments to be made for different issues of bonds under this subsection (3), and may further agree that any amounts to be distributed under this subsection (3) may be pledged for the debt service on bonds issued by any county school board and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several county school boards for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the county school board of such county.

(5) When all major capital outlay needs of a county have been met as determined by the state board, on the basis of a survey made pursuant to regulations of the state board and approved by the state board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the county school board shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this section and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the state board, to determine the capital outlay needs of the county and approved by the state board; provided, the priority of such projects may be changed from time to time upon the request of the county school board and with the approval of the state board; and provided further, this subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the state board in the issuance by the state board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any county school board.

(e) The state board may invest any sinking fund or funds created pursuant to this section in direct obligations of the United States or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the state board on behalf of any county school board.

(f) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this section of full force and operating effect from and after January 1, 1953; provided, the legislature may by general law of state-wide application repeal or amend rules and regulations promulgated under this section. The legislature shall not reduce the levies of said motor vehicle license taxes during the life of this section to any degree which will fail to provide the full amount necessary to comply with the provisions of this section and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this section and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this section or impairing or altering any covenant or agreement of the state board as provided in such bonds or motor vehicle tax anticipation certificates.

The state board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this section as it shall deem necessary, and the expenses of the state board in administering the provisions of this section shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this section. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

Section 7. County school bonds.—issuance—payment—restrictions—The legislature may authorize county school boards to issue bonds to raise funds for the exclusive use of the free public schools of the county whenever the issuance of such bonds is approved by a majority of the votes cast in an election in which a majority of the electors who are freeholders participate; provided, no election shall be necessary to issue refunding bonds. A special tax on all taxable property in the county shall be levied at a rate sufficient to meet and shall be applied exclusively to the payment when due of the installments of principal and interest on such bonds. Such bonds shall become payable within thirty years from the date of issuance in annual installments commencing not more than three years after the date of issuance. After the first three years from date of issuing, each annual installment shall be not less than three percent of the total amount of the issue. The principal of such bonds, together with the principal of the existing indebtedness of the county incurred for public school purposes and unpaid bonds of special tax school districts thereof shall not exceed twenty percent of the assessed valuation of all taxable property of the county.

Section 8. White and colored—separate schools.—White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

Section 9. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I through IV, VI through IX, and XI through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 13-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article XI of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature. that is to say:

ARTICLE XI

MILITIA

Section 1. Composition of militia.—The militia shall be composed of all able-bodied inhabitants of the state that

are or have declared their intention to become citizens of the United States; and no person shall because of religious creed or opinion be exempted from military duty except upon conditions prescribed by law.

Section 2. Organization—equipping—housing—discipline—safekeeping of arms.—The legislature may provide for organizing, equipping, housing, maintaining, and disciplining the militia of the state, and for the safekeeping of public arms.

Section 3. Officers of militia.—The governor shall appoint all commissioned officers of the militia, including an adjutant general. The appointment of all general officers shall be with the consent of the senate. Officers shall take rank according to the dates of their commissions. The officers and enlisted men of the state militia, when uniformed, shall wear the uniform prescribed for the United States military service.

Section 4. Call by governor.—The governor shall have power to call out the militia to preserve the public peace, to execute the laws of the state, to suppress insurrection, or to repel invasion.

Section 5. Federally recognized national guard.—Whenever a federally recognized national guard exists in the state it shall be sui generis and subject to the lawful orders of the governor, who shall be commander-in-chief. It shall be supported and maintained by the state pursuant to the provisions of federal statutes and regulations of the United States department of defense pertaining to organizing, arming, governing, and disciplining it. Its officers, including the adjutant general, shall be appointed, and shall be subject to suspension, discharge, removal, or compulsory retirement, solely on the basis of military proficiency, character, and service determined pursuant to United States department of defense regulations and usages sanctioned by law, and the qualifications of its personnel shall be those prescribed in military regulations of the United States department of defense.

Section 6. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I through IV, VI through X, and XII through XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 14-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF AR-

TICLE XII OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article XII of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE XII

AMENDMENTS

Section 1. **Amendment pursuant to legislative action.**—The legislature may by joint resolution adopted as provided in this section propose an amendment to this constitution. A resolution proposing an amendment shall confine itself to the subject matters of one article but may include any provisions in other articles relating thereto; provided, when the legislature submits more than one proposed revised article hereof, to be voted upon in the same general election, any such proposed article may provide that it shall not become effective unless other specified proposed articles are adopted by the electors at such election, and thereupon none of such proposed articles shall become a part hereof unless all of them are adopted. The resolution shall be processed in the manner provided herein for enactment of laws, except that:

(1) It shall forthwith be entered in full on the journal of the house in which introduced.

(2) The house in which it is introduced shall forthwith furnish a copy to the attorney general, who shall consider it and within ten days transmit to each house recommendations or suggestions as to its effect upon other provisions of the constitution and as to its form and substance, but his failure to act shall not affect legislative action thereon.

(3) No vote upon the adoption of the joint resolution shall be taken until on or after the eighteenth calendar day after its introduction in the originating house. Final adoption shall require affirmative vote of three fifths of the membership of each house, the yeas and nays to be entered on the journal; and if the resolution is amended it shall be entered on the journals as finally adopted.

(4) The resolution shall not be subject to veto.

Section 2. **Submission to electors.**—A proposed amendment shall be submitted to the electors for ratification or rejection at the next general election held more than seventy days after the adoption of the resolution unless by vote of three fourths of the membership of each house the legislature shall provide for its submission at a special election at an earlier date. The secretary of state shall cause the proposed amendment, together with a notice of the date of the election thereon, to be published twice in one newspaper in each county where a newspaper is published, the first publication to be not more than ten or less than eight weeks before the election, and the second publication to be at least one week after the first and not less than six weeks before the election.

Section 3. **Effective date—approval by electors.**—If a majority of the electors of the state shall vote in favor of the proposed amendment, it shall take effect at noon on the first Tuesday after the first Monday in January next after the election if voted upon in a general election, and on the sixtieth day after the election if voted upon at a special election, or in either case at such other date as the joint resolution shall provide.

A proposed amendment that applies to fewer than all the counties of the state shall not become a part hereof unless adopted by vote of the electors of the county or counties designated and also by vote of the electors of the state.

Section 4. **Revision by convention.**—Whenever the legislature, by vote of two thirds of the membership of each house with the yeas and nays entered on the journals, determines that revision of the constitution is necessary, it shall provide for a convention, to be convened within six months thereafter, to adopt and submit a revision to it for its consideration. The

convention membership shall be equal to and apportioned among the counties in the same manner as the membership of the senate and house of representatives. Vacancies shall be filled by the governor. The legislature shall provide for election of delegates and notice of election. A legislator or any other public officer may be elected delegate. The convention shall determine its own organization, discipline, and rules of procedure; provided, a majority shall be required for all action other than compelling attendance of absent members.

The legislature shall at its next regular session, or at a special session called for the purpose, act upon the revision submitted, which may be amended by vote of three fourths of the membership of each house. If the revision is approved by vote of three fifths of the membership of each house it shall be submitted to the electors for ratification or rejection at the next general election held more than seventy days after adoption of the resolution, unless by vote of three fourths of the membership of each house the legislature provides for its submission at an earlier special election. The secretary of state shall cause the proposed revision and a notice of the election date to be published twice in one newspaper in each county where a newspaper is published, the first publication to be not more than ten or less than eight weeks before the election, and the second to be at least one week after the first and not less than six weeks before the election.

Section 5. **Effective date—approval by electors.**—If a majority of the electors of the state shall vote in favor of the revised constitution, it shall take effect at noon on the first Tuesday after the first Monday in January next after the election if voted upon in a general election, and on the sixtieth day after the election if voted upon at a special election, or in either case at such other date as the joint resolution shall provide.

Section 6. **Effective date of this article.**—This article is one of a group of fourteen amendments proposed at the same session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I through IV, VI through XI, XIII, and XIV. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senators Johnson, Rawls, Davis and Adams—

Senate Joint Resolution No. 15-X(57):

A JOINT RESOLUTION PROPOSING REVISION OF ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of Article XIV of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or re-

jection at an election to be held as provided at this session of the legislature, that is to say:

ARTICLE XIV

SPECIAL PROVISIONS

Section 1. Cities of Jacksonville and Key West.—Subject to vote of the county electors the legislature may establish or abolish, and without such vote may amend the laws governing, two municipalities, to be named the City of Jacksonville and the City of Key West, extending respectively throughout the present territory of Duval and Monroe Counties, superseding all governmental agencies therein, and succeeding to the ownership of all property thereof and of municipalities therein. Subject to the provisions hereof governing special and local laws other than provisions relating to jurisdiction and duties of any class of officers, summoning and empanelling of grand and petit juries, assessment and collection of taxes for county purposes, and regulation of fees and compensation of county officers, the legislature may prescribe the functions, powers, and jurisdiction of each municipality, may divide it into districts, may determine what portion of it is rural and subject to the limitations on rural homestead realty, and may prescribe the system of taxation and liabilities of the municipality and its districts; provided, upon establishment of each municipality the respective properties taxable for debts then existing shall be solely liable therefor.

Each municipality may exercise all municipal powers herein granted and shall perform all functions and enjoy all powers and privileges of a county, including representation in the legislature. County offices shall not be abolished or consolidated without providing for performance of state functions assigned thereto. The legislature shall not abolish the offices of clerk of the circuit court and sheriff but may prescribe special methods and times of filling them.

Section 2. Dade County home rule.—(1) The electors of Dade County are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, under which the board of county commissioners of Dade County shall be the governing body. This charter:

(a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.

(b) May grant full power and authority to the board of county commissioners of Dade County to pass ordinances relating to the affairs, property, and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and to do everything necessary to carry on a central metropolitan government in Dade County.

(c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the constitution or the legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the county school board of Dade County.

(d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the board of county commissioners of Dade County.

(e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.

(f) May abolish and may provide a method for abolishing from time to time all county offices provided herein or by the legislature except the county school superintendent and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the circuit court or to abolish any other court provided for by this constitution or by general law, or the judges or clerks thereof although

such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the board of county commissioners of Dade County and none of the other courts provided for by this constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized in this section, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

(g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

(h) May change the name of Dade County.

(i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the governor and senate relating to the suspension and removal of officers provided for herein shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the legislature. Until a home rule charter is adopted the legislature may from time to time create additional charter boards to prepare charters to be presented to the electors of Dade County for ratification or rejection in the manner provided by the legislature. Such charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The county commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the state shall pay to the commission all revenues which would have been paid to any municipality in Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the commission shall reimburse the state comptroller for the expense incurred if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the legislature to enact general laws which shall relate to Dade County and any other one or more counties or to any municipality in Dade County and any other one or more municipalities of the state, and the home rule charter provided for herein shall not conflict with any provision hereof or of any applicable general laws now applying to Dade County and any other one or more counties except as expressly authorized in this section, nor shall any ordinance enacted pursuant to said home rule charter conflict with this constitution or any such applicable general law except as expressly authorized in this section, nor shall the charter of any municipality in Dade County conflict with this constitution or any such applicable general law except as expressly authorized in this section, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict the power of the legislature to enact general laws which shall relate to Dade County and any other one or more counties or to any municipality in Dade County and any other one or more municipalities relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of

the home rule charter provided for in this section in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the railroad and public utilities commission or of any other state agency, bureau or commission now or hereafter provided for herein or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provision of this section is held invalid as violative of the provisions hereof relating to amendments the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the legislature and of the electors of the state to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the legislature and of the electors of the state that the provisions hereof and of general laws which shall relate to Dade County and any other one or more counties of the state or to any municipality in Dade County and any other one or more municipalities of the state enacted pursuant thereto by the legislature shall be the supreme law in Dade County, except as expressly provided in this section and this section shall be strictly construed to maintain such supremacy hereof and of the legislature in the enactment of general laws pursuant hereto.

Section 3. Assessment and collection of taxes in certain counties.—In Broward, Hillsborough, Monroe, Pinellas, Saint Lucie, and Volusia Counties the county tax assessor shall assess all property therein upon which ad valorem taxes are levied by the county or any other taxing authority, and the county tax collector of each of these counties except Monroe shall collect all taxes; provided, no law relating thereto shall become effective in Saint Lucie until approved by vote of the electors. The legislature shall prescribe additional compensation corresponding to the additional functions performed.

Section 4. Consolidation of county offices and transfer of municipal tax functions—Orange County.—The legislature may provide for creation, abolition, or consolidation of any Orange County offices except judicial offices or for assessment or collection of municipal taxes and assessments by the county tax officers and distribution of the proceeds to the municipal authorities; provided, additional compensation for performance of additional tax functions shall be provided, and the law shall be subject to approval by county referendum held within ninety days of its enactment and after publication of notice in a newspaper of general circulation once in each of the four weeks immediately preceding the election. Laws so approved relating respectively to municipal tax assessment or collection and to creation or consolidation of county offices shall respectively take effect on the first of the year following the referendum and on the first Tuesday after the first Monday of the year following the first United States presidential election held after the referendum.

Section 5. Appointment of county school superintendent in certain counties.—Upon authorization by local law or by vote of the county electors at a special election called by the board of county commissioners upon request by the county school board and held within sixty days of receipt thereof, the county school board of Dade, Duval, Pinellas, and Sarasota Counties shall appoint the county school superintendent, and not less than four years after such authorization the county may by either method revoke it.

Section 6. Escambia County fees.—All charges collected by the officers of Escambia County shall be paid into its general fund and disbursed as provided by law, and the compensation and expenses of its officers shall be provided for by local law.

Section 7. Effective date of this article.—This article is one of a group of fourteen amendments proposed at the same

session of the legislature and submitted to the electors at the same election, and it shall not become effective or a part of the constitution unless the electors adopt simultaneously with this article the amendments constituting respectively the Preamble and Articles I through IV and VI through XIII. This section is an integral part of this article and the entire article shall be invalid if this section is held invalid.

Section 2. The legislature finds as a fact that the interlocking details and the framework of the constitutional provisions contained in the fourteen joint resolutions constituting the Preamble and Articles I through IV and VI through XIV of the proposed revised constitution are such that it would be impracticable to have the provisions of any of them become operative unless all of them are presented at the same election and are adopted thereat, and that the constitutional amendment proposed in this joint resolution should not become effective unless the electors adopt each of said fourteen proposed amendments at the same election.

Section 3. The secretary of state is directed to prepare ballots for voting upon said fourteen proposed amendments at the same election in such manner that each elector may by a single vote cast his vote for approval or rejection of all of them and also in such manner that each elector may, in the alternative, cast his vote for approval or rejection of any one of them.

Section 4. Upon rejection of one or more of said fourteen proposed amendments each of them shall by its terms not become effective. This entire resolution shall not become effective if any portion thereof is held invalid.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
Sept. 30, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has admitted for consideration by an affirmative two-thirds vote of the House, and has passed—

By Senators Stratton and Pearce—

S. B. No. 1-X(57)—A bill to be entitled An Act relating to tax on sales, use and certain transactions; amending Section 212.08(7), Florida Statutes, relating to specified exemptions.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1-X(57), contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was also read:

Tallahassee, Florida,
Sept. 30, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has admitted for consideration by an affirmative two-thirds vote of the House, and has passed—

By Senators Kickliter, Carraway, Davis, Pearce and Shands—

S. B. No. 2-X(57)—A bill to be entitled An Act relating to alcoholic beverages; amending Section 561.43, Florida Statutes, providing for certain exemptions from prohibition of licensing manufacturers or distributors in dry counties; setting effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 2-X(57), contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The President announced the appointment of Senator Cabot to serve as a member of the Interim Committee on Mental

Health created by House Concurrent Resolution No. 1627 of the 1957 Regular Session of the Legislature, in lieu of Senator Rood who asked to be relieved of the assignment.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 3:02 o'clock P. M., until 10:00 o'clock A. M., Tuesday, October 1, 1957.