

SPECIAL SESSION

JOURNAL OF THE SENATE

At a Special Session of the Florida Legislature convened by proclamation of His Excellency, Claude R. Kirk, Jr., Governor of the State of Florida, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Monday, January 9, 1967

In pursuance of the Proclamation of Honorable Claude R. Kirk, Jr., Governor of the State of Florida, the Senate met in Special Session at 9:30 A. M., and was called to order by Senator Verle A. Pope, President of the Senate; the Secretary of the Senate, Edwin G. Fraser, and the Sergeant At Arms of the Senate, LeRoy Atkison, being at their posts.

The Proclamation of the Governor convening the Legislature in Special Session was read as follows:

PROCLAMATION

State of Florida
Executive Department
Tallahassee

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

WHEREAS, the Florida Constitution Revision Commission consisting of eminent and well qualified citizens of the State of Florida has been laboring for many months to draft a modern Constitution for the government of the people of the State of Florida, and

WHEREAS, the Florida Constitution Revision Commission will shortly complete the drafting of the proposed revised Constitution of Florida so that such draft may be immediately submitted to the Florida Legislature for its consideration, and

WHEREAS, it is in the best interest of the people of the State of Florida that constitutional revision be accomplished on a time schedule which will permit the Legislature to submit it to the people for their consideration at a special election to be held on or about April 18, 1967 so that the Florida Legislature during its regular 1967 session may enact all legislation necessary for the implementation of said revised Constitution, and

WHEREAS, it is my belief that it is in the best interest of all of our citizens that said revised Constitution be made effective on July 1, 1967, should it be adopted by the people of this State,

NOW, THEREFORE, I, CLAUDE R. KIRK, JR., as Governor of the State of Florida, by virtue of the power and authority vested in me by Article IV, Section 8 and Article III, Section 2 of the Constitution of the State of Florida, do hereby convene the Legislature of the State of Florida in special session at the Capitol, at 9:30 a.m., on January 9, 1967.

This call shall be limited to constitutional revision and the fixing of the early date for a special election to permit the people of this State to vote upon a proposed revised Constitution.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 3rd day of January, A. D. 1967.

CLAUDE R. KIRK, JR.
GOVERNOR

ATTEST:
TOM ADAMS
SECRETARY OF STATE

By direction of the President the roll was called and the following Senators were recorded present:

Senator John R. Broxson—1st District
Senator Reubin O'D. Askew—2nd District
Senator William Dean Barrow—3rd District

Senator Dempsey J. Barron—4th District
Senator Hal Davis—5th District
Senator L. P. Gibson—6th District
Senator Ben Hill Griffin, Jr.—7th District
Senator Mallory E. Horne—8th District
Senator Tom Slade—9th District
Senator John J. Fisher—10th District
Senator Harold S. Wilson—11th District
Senator John M. McCarty—12th District
Senator Robert M. Haverfield—13th District
Senator J. A. Boyd—15th District
Senator D. D. Covington, Jr.—16th District
Senator Lee Weissenborn—17th District
Senator John E. Mathews, Jr.—18th District
Senator Beth Johnson—19th District
Senator Robert H. Elrod—20th District
Senator T. Truett Ott—21st District
Senator Louis de la Parte, Jr.—22nd District
Senator Ray C. Knopke—23rd District
Senator Elmer O. Friday, Jr.—24th District
Senator Sam Teague—25th District
Senator Lawton M. Chiles, Jr.—26th District
Senator Hayward H. Davis—27th District
Senator Wilbur H. Boyd—28th District
Senator Henry B. Sayler—29th District
Senator A. J. Ryan, Jr.—30th District
Senator Tom Greene—31st District
Senator C. W. Bill Young—32nd District
Senator L. A. "Skip" Bafalis—33rd District
Senator Tom Whitaker, Jr.—34th District
Senator Jerry Thomas—35th District
Senator W. D. (Bill) Gunter—36th District
Senator Elizabeth J. (Beth) Johnson—37th District
Senator Richard J. "Dick" Deeb—38th District
Senator Chester W. (Chet) Stolzenburg—39th District
Senator Edmond J. Gong—40th District
Senator Verle A. Pope—41st District
Senator John M. Spottswood—42nd District
Senator Robert L. Shevin—43rd District
Senator George L. Hollahan, Jr.—44th District
Senator Tom Spencer—45th District

Senator Ralph R. Poston—46th District

Senator Dick Fincher—47th District

Senator James Gregory—48th District

47. A quorum present.

Excused: Senator Edwards.

Prayer by Senator Reubin O'D. Askew of the Second Senatorial District:

O God, grant us thy presence. Draw us especially close to thee this morning as we begin our work on this important undertaking. Prepare our minds and hearts, we beseech thee, that thy Holy Spirit may dwell within us and reign in our thoughts, in our words, and in our acts, this day and forever more. This prayer we offer in thy holy name. Amen.

The Pledge of Allegiance to the Flag of the United States of America pursuant to Senate Rule 7.2:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A Committee from the House of Representatives, composed of Representatives Cleveland of Seminole, Baker of Dade and Grizzle of Pinellas appeared at the Bar of the Senate and notified the Body that the House of Representatives was duly organized in Special Session and ready to proceed with the business of the Session. The President expressed the appreciation of the Senate for the report and the Committee withdrew.

On motion of Senator Whitaker, the rules were waived by two-thirds vote and the Senate took up for consideration in open session communications from the Governor's Office. The vote was: Yeas-46. Nays-None.

Mr. President	de la Parte	Hollahan	Slade
Askew	Elrod	Horne	Spencer
Bafalis	Fincher	Johnson (19th)	Spottswood
Barron	Fisher	Johnson (37th)	Stolzenburg
Barrow	Friday	Knopke	Teague
Boyd (15th)	Gibson	McCarty	Thomas
Boyd (28th)	Gong	Mathews	Weissenborn
Broxson	Greene	Ott	Whitaker
Chiles	Gregory	Poston	Wilson
Davis (5th)	Griffin	Ryan	Young
Davis (27th)	Gunter	Saylor	
Deeb	Haverfield	Shevin	

On motion of Senator Whitaker, the rules were waived by two-thirds vote and the Senate took up for consideration in open session communications from the Governor's Office relative to appointments and confirmation thereof notwithstanding the fact that such matters were not specifically within the stated Call of the Governor. The vote was:

Yeas—35.

Mr. President	Davis (5th)	Haverfield	Ryan
Askew	Davis (27th)	Hollahan	Shevin
Barron	de la Parte	Horne	Slade
Barrow	Fincher	Johnson (19th)	Spencer
Boyd (15th)	Friday	Knopke	Spottswood
Boyd (28th)	Gibson	McCarty	Teague
Broxson	Greene	Mathews	Weissenborn
Chiles	Griffin	Ott	Whitaker
Covington	Gunter	Poston	

Nays—11.

Bafalis	Fisher	Johnson (37th)	Wilson
Deeb	Gong	Saylor	Young
Elrod	Gregory	Stolzenburg	

CONSIDERATION

EXECUTIVE APPOINTMENTS

Pursuant to the previous motion of Senator Whitaker, the Senate in open Session, took up for consideration the following appointments made by His Excellency, Honorable Haydon Burns, former Governor of Florida:

Atlantic States Marine Fisheries Commission

John R. Salvador, St. Augustine, for term ending September 4, 1968.

Vernon F. Sikes, St. Augustine, Brigadier General, Adjutant General's Corps, Florida Army National Guard, Assistant Adjutant General of Florida, during the pleasure of the Governor.

Civil Service Board, Hillsborough County

Ernest H. Atkins, Tampa, for a term ending September 1, 1967.

Calvin W. Carter, Tampa, for a term ending September 3, 1967.

John H. Land, Tampa, for a term ending September 2, 1967.

C. Blythe Andrews, Tampa, for a term ending September 15, 1969.

Mrs. Anna M. Denham, Tampa, for a term ending September 10, 1969.

Joseph Di Stefano, Tampa, for a term ending September 1, 1969.

Clarence C. Eatman, Tampa, for a term ending September 7, 1969.

James L. Greco, Tampa, for a term ending September 3, 1969.

Earl W. Simmons, Jr., Plant City, for a term ending December 27, 1969.

Mrs. E. D. (Carolyn) Pearce, Miami, Member of the Board of Regents, for term ending January 1, 1975.

Woodrow J. Darden, Titusville, Member of the Board of Regents, for term ending January 1, 1972.

J. Reginald Black, Ocala, Assistant State Attorney, Fifth Judicial Circuit, for a term ending on the first Tuesday after the first Monday in January 1969.

Nicholas S. Masters, Daytona Beach, Assistant State Attorney, Seventh Judicial Circuit, for a term ending on September 18, 1969.

Stephen L. Boyles, Palatka, Assistant State Attorney, Seventh Judicial Circuit, for a term ending August 27, 1969.

Leroy Hill, Punta Gorda, Assistant State Attorney, Twelfth Judicial Circuit, for a term ending on the first Tuesday after the first Monday in January 1969.

Aubrey Earl Cox, Bradenton, Assistant State Attorney, Twelfth Judicial Circuit, for a term ending on the first Tuesday after the first Monday in January 1969.

William E. Harris, Panama City, Assistant State Attorney, Fourteenth Judicial Circuit, for a term ending the first Tuesday after the first Monday in January 1969.

Robert P. Kunding, Pompano Beach, Assistant State Attorney, Seventeenth Judicial Circuit, for a term ending the first Tuesday after the first Monday in January 1969.

Senator Ryan moved that the Senate advise and consent to the foregoing appointment by the Governor of Robert P. Kunding.

Senator Stolzenburg moved as a substitute motion that consideration of the foregoing appointment be temporarily deferred. The vote was:

Yeas—11.

Bafalis	Fisher	Saylor	Wilson
Deeb	Gregory	Slade	Young
Elrod	Johnson (37th)	Stolzenburg	

Nays—35.

Mr. President	Davis (5th)	Gunter	Poston
Askew	Davis (27th)	Haverfield	Ryan
Barron	de la Parte	Hollahan	Shevin
Barrow	Fincher	Horne	Spencer
Boyd (15th)	Friday	Johnson (19th)	Spottswood
Boyd (28th)	Gibson	Knopke	Teague
Broxson	Gong	McCarty	Weissenborn
Chiles	Greene	Mathews	Whitaker
Covington	Griffin	Ott	

The question recurred on the motion by Senator Ryan, which was agreed to. So the Senate advised and consented to the appointment by the Governor of Robert P. Kundinger.

Joseph O. Minton, Jacksonville, Second Assistant Probation and Parole Officer, Criminal Court of Record, Duval County, for a term ending October 1, 1969.

Florida Board of Parks and Historic Memorials

First Region—E. W. Carswell, Chipley, for term ending July 12, 1970.

Third Region—Robert Baynard, Sarasota, for a term ending July 12, 1969.

Fifth Region—John D. Pennekamp, Miami, for term ending July 12, 1970.

St. Augustine Historical Restoration and Preservation Commission

Mrs. Elizabeth M. Towers, Jacksonville, for term ending August 13, 1969.

H. E. Wolfe, St. Augustine, for term ending August 12, 1970.

Edward Ball, Jacksonville, for term ending August 31, 1970.

Joseph P. Hurley, St. Augustine, for term ending January 14, 1970.

State Board of Cosmetology

District Two—Mrs. Thelma Nettles, Ocala, for term ending June 27, 1968.

District Three—Mrs. Ruth N. Clifton, Jacksonville Beach, for term ending June 27, 1969.

District Five—Mrs. Sara T. Brown, Miami, for term ending June 27, 1969.

Mrs. Eloise Shehee, DeFuniak Springs, Member, State Welfare Board, First Congressional District, for a term ending July 2, 1970.

Earle M. Fain, Leesburg, Member, State Welfare Board, Fourth Congressional District, for a term ending July 2, 1969.

Harvey Drennen Browne, Vero Beach, Member, State Welfare Board, Ninth Congressional District, for a term ending July 2, 1970.

Duval Air Improvement Authority

David B. Lee, Jacksonville, for a term ending October 1, 1969.

George D. Auchter, Jr., Jacksonville, for a term ending October 1, 1969.

Albert Henderson, Jacksonville, for a term ending October 1, 1969.

R. B. Burroughs, Jr., Jacksonville, for a term ending October 1, 1969.

Probation and Parole Commission

Cale R. Keller, Tallahassee, for term ending November 1, 1969.

J. Hopps Barker, Miami, for term ending November 1, 1971.

State Board of Funeral Directors and Embalmers

First District—E. D. Mitchell, Graceville, for term ending July 23, 1969.

Second District—Robert M. Naugle, Jacksonville, for term ending July 18, 1970.

Game and Fresh Water Fish Commission

Second Congressional District—W. B. Copeland, Jacksonville, for term ending January 4, 1971.

J. B. Tompkins, Miami Beach, Pilot Commissioner for the Port of Miami, Dade County, for a term ending October 25, 1967.

Branch E. Paxton, Miami, Pilot Commissioner for the Port of Miami, Dade County, for a term ending November 18, 1967.

Mrs. Fred (Violet B.) Gainer, Panama City, Member, Board of Pilot Commissioners for the Port of Panama City, Bay County, for a term ending June 14, 1969.

Board of Commissioners of the Everglades Fire Control District.

Broward County—Carroll Ray Anderson, Fort Lauderdale, for a term ending August 16, 1967.

Collier County—W. D. Roberts, Immokalee, for a term ending August 16, 1967.

Dade County—A. E. D-ville, Miami, for a term ending October 2, 1967.

Glades County—Tommy Bronson, Moore Haven, for a term ending February 9, 1968.

Hendry County—A. W. Waldron, Clewiston, for a term ending August 15, 1967.

Highlands County—R. J. Hargrove, Venus, for a term ending August 7, 1967.

Martin County—James M. Myers, Jr., Indiantown, for a term ending August 7, 1967.

Okeechobee County—Chester Underhill, Okeechobee, for a term ending August 7, 1967.

Palm Beach County—Fritz Stein, Jr., Belle Glade, for a term ending August 15, 1967.

St. Lucie County—John E. (Jack) Harris, Fort Pierce, for a term ending August 7, 1967.

Lawrence J. Sweett, New Smyrna Beach, Harbor Master for the Port of New Smyrna Beach, Volusia County, for a term ending March 14, 1967.

Governing Board, Central and Southern Florida Flood Control District

Robert W. Padrick, Fort Pierce, for term ending July 12, 1968.

Robert L. Searle, Coral Gables, for term ending July 12, 1969.

Robert Freeman, Jr., Port St. Joe, Member, Board of Pilot Commissioners for the Port of Port St. Joe, Gulf County, for term ending December 6, 1967.

H. Hollis Eggner, Jr., Tampa, Member, Board of Pilot Commissioners for the Port of Tampa, Hillsborough County, for term ending June 16, 1967.

J. B. Russell, Warrington, Member, Board of Pilot Commissioners for the Port of Pensacola, Escambia County, for a term ending June 6, 1969.

Pilot Commissioners for the Port of Fernandina Beach, Nassau County

Hydie R. Peterson, Jr., Fernandina Beach, for term ending September 27, 1969.

Thomas J. Clark, Fernandina Beach, for term ending September 27, 1969.

James B. Stewart, Fernandina Beach, for term ending September 27, 1969.

I. W. Hardee, Jr., Fernandina Beach, for term ending September 27, 1969.

J. O. Todd, Eustis, Member of the Board of the Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County, for term ending July 13, 1969.

Tampa Port Authority

A. B. Grandoff, Sr., Tampa, for term ending November 15, 1967.

James S. Wood, Tampa, for term ending November 14, 1970.

Walter A. Baldwin, Jr., Tampa, for term ending November 25, 1969.

W. C. Touchton, Jr., Tampa, for term ending November 16, 1969.

Delmar Drawdy, Tampa, for term ending November 15, 1968.

The Board of the Sumter County Recreation and Water Conservation and Control Authority

District No. 2—Perry L. Bigham, Coleman, for a term ending November 16, 1969.

District No. 3—Andrew W. Lee, Jr., Wildwood, for a term ending December 3, 1969.

District No. 4—Colin Beville, Bushnell, for a term ending October 9, 1969.

William Wade Hampton III, Gainesville, Member, Board of the Alachua County Recreation and Water Conservation and Control Authority, for a term ending on September 9, 1969.

Francis E. Usina, St. Augustine, Harbor Master, Port of St. Augustine, St. Johns County, for term ending March 6, 1968.

Robert Dean, Key West, Harbor Master for the Port of Key West, Monroe County, for term ending February 7, 1968.

Angelo C. Bell, Boca Grande, Harbor Master for the Port of Boca Grande, Lee County, for term ending November 21, 1967.

By direction of the President, the Secretary of the Senate read again the aforesaid confirmations.

On motion of Senator Whitaker, the Senate advised and consented to the aforesaid appointments. The vote was:

Yeas—44. Nays—None.

Mr. President	Elrod	Horne	Spencer
Askew	Fincher	Johnson (19th)	Spottswood
Barron	Fisher	Johnson (37th)	Stolzenburg
Boyd (15th)	Friday	Knopke	Teague
Boyd (28th)	Gibson	McCarty	Thomas
Broxson	Gong	Mathews	Weissenborn
Chiles	Greene	Ott	Whitaker
Covington	Gregory	Poston	Wilson
Davis (5th)	Griffin	Ryan	Young
Davis (27th)	Gunter	Sayler	
Deeb	Haverfield	Shevin	
de la Parte	Hollahan	Slade	

On motion of Senator Whitaker, the Senate temporarily deferred consideration of those portions of the communications from the Governor's Office relating to the appointment and confirmation of the following persons to the stated offices:

Milo I. Thomas, Jr., Lake City, Assistant State Attorney, Third Judicial Circuit, for a term ending on the first Tuesday after the first Monday in January 1969.

Roy M. Speer, St. Petersburg, Assistant State Attorney, Sixth Judicial Circuit, for a term ending on the first Tuesday after the first Monday in January 1969.

Governing Board, Central and Southern Florida Flood Control District

T. R. Tomlinson, Melbourne Beach, for term ending July 12, 1969.

Pilot Commissioners for the Port of Palm Beach, Palm Beach county

Karl D. Griffin, Riviera Beach, for term ending September 12, 1969.

Clyde E. Dulaney, West Palm Beach, for term ending August 29, 1969.

Claude L. Shirley, Sr., Pahokee, for term ending September 12, 1969.

Charles A. Whitman, Jr., Lake Worth, for term ending September 29, 1969.

Melville L. Spencer, West Palm Beach, for term ending August 29, 1969.

State Board of Funeral Directors and Embalmers

State At Large—David T. Larkins, Clearwater, for term ending July 17, 1969.

State Board of Cosmetology

District Four—Sam Hyde, St. Petersburg, for term ending June 27, 1968.

The vote was: Yeas—46. Nays—None.

Mr. President	de la Parte	Hollahan	Slade
Bafalis	Elrod	Horne	Spencer
Barron	Fincher	Johnson (19th)	Spottswood
Barrow	Fisher	Johnson (37th)	Stolzenburg
Boyd (15th)	Friday	Knopke	Teague
Boyd (28th)	Gibson	McCarty	Thomas
Broxson	Gong	Mathews	Weissenborn
Chiles	Greene	Ott	Whitaker
Covington	Gregory	Poston	Wilson
Davis (5th)	Griffin	Ryan	Young
Davis (27th)	Gunter	Sayler	
Deeb	Haverfield	Shevin	

On motion of Senator Young that a Committee be appointed to wait upon the Governor and inform his Excellency that the Senate was ready to proceed with the business of the Special Session, the President appointed Senators Young, Boyd (15th) and Gibson. The Committee withdrew.

On motion of Senator Weissenborn that a Committee be appointed to notify the House of Representatives that the Senate was ready to proceed with the business of the Special Session, the President appointed Senators Weissenborn, Slade and Spottswood. The Committee withdrew.

On motion of Senator Mathews that a committee be appointed to escort Honorable Chesterfield H. Smith, Chairman of the Florida Constitution Revision Commission, to the rostrum for the purpose of addressing the Senate, the President appointed Senators Mathews, Whitaker and McCarty. The Committee escorted Mr. Smith to the rostrum where he addressed the Senate briefly.

On motion of Senator Whitaker, the Senate stood in informal recess at 11:00 A. M. until 12:07 P. M.

The President Pro Tempore presiding.

The following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Elrod	Horne	Spencer
Barron	Fincher	Johnson (19th)	Spottswood
Barrow	Fisher	Johnson (37th)	Stolzenburg
Boyd (15th)	Friday	Knopke	Teague
Boyd (28th)	Gibson	McCarty	Thomas
Broxson	Gong	Mathews	Weissenborn
Chiles	Greene	Ott	Whitaker
Covington	Gregory	Poston	Wilson
Davis (5th)	Griffin	Ryan	Young
Davis (27th)	Gunter	Sayler	

47. A quorum present.

On motion of Senator Whitaker, the Senate stood in informal recess at 12:12 P. M. until 1:38 P. M.

The President presiding.

The following Senators were recorded present:

Mr. President	Broxson	Elrod	Gregory
Askew	Chiles	Fincher	Griffin
Bafalis	Covington	Fisher	Gunter
Barron	Davis (5th)	Friday	Haverfield
Barrow	Davis (27th)	Gibson	Hollahan
Boyd (15th)	Deeb	Gong	Horne
Boyd (28th)	de la Parte	Greene	Johnson (19th)

Johnson (37th)	Poston	Spencer	Whitaker
Knopke	Ryan	Spottswood	Wilson
McCarty	Saylor	Stolzenburg	Young
Mathews	Shevin	Teague	
Ott	Slade	Weissenborn	

46. A quorum present.

Excused: Senator Thomas.

On motion of Senator Whitaker, the Senate stood in informal recess at 1:42 P. M. until 2:37 P. M.

Senator Barron presiding.

The following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Elrod	Horne	Spencer
Barron	Fincher	Johnson (19th)	Spottswood
Barrow	Fisher	Johnson (37th)	Stolzenburg
Boyd (15th)	Friday	Knopke	Teague
Boyd (28th)	Gibson	McCarty	Weissenborn
Broxson	Gong	Mathews	Whitaker
Chiles	Greene	Ott	Wilson
Covington	Gregory	Poston	Young
Davis (5th)	Griffin	Ryan	
Davis (27th)	Gunter	Saylor	

46. A quorum present.

On motion of Senator Whitaker, the Senate stood in informal recess at 2:40 P. M. until 3:40 P. M.

The President presiding.

The following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Elrod	Horne	Spencer
Barron	Fincher	Johnson (19th)	Spottswood
Barrow	Fisher	Johnson (37th)	Stolzenburg
Boyd (15th)	Friday	Knopke	Teague
Boyd (28th)	Gibson	McCarty	Weissenborn
Broxson	Gong	Mathews	Whitaker
Chiles	Greene	Ott	Wilson
Covington	Gregory	Poston	Young
Davis (5th)	Griffin	Ryan	
Davis (27th)	Gunter	Saylor	

46. A quorum present.

REPORT OF COMMITTEE

The Honorable Verle A. Pope
President of the Senate

Sir:

Your Committee on Rules and Calendar reports and recommends:

1. That Rule 5.1 be amended as follows: Following the list of standing committees, strike: "At the 1967 regular session of the Legislature, the President may delay the appointment of the Committee on Constitutional Amendments until the special session of the Legislature dealing with constitutional revision." and insert the following:

At a special session of the Legislature dealing with constitutional revision, the President shall appoint a Committee on Constitutional Revision.

2. That during this special session, each member shall be entitled to one attache to be paid at the rate of \$16.00 per day.

Respectfully submitted,

Tom Whitaker, Jr.
Chairman, Committee on
Rules and Calendar

On motion of Senator Whitaker, the Report of the Committee on Rules and Calendar was adopted.

The President announced the appointment of the following Standing Committee of the Senate:

COMMITTEE ON CONSTITUTIONAL REVISION

Senator Mathews, Chairman; Senator McCarty, Vice Chairman; Senators Askew, Bafalis, Barron, Barrow, Boyd (28th), Chiles, Davis (27th), Edwards, Friday, Griffin, Haverfield, Hollahan, Horne, Johnson (19th), Poston, Ryan, Slade, Teague, Thomas, Whitaker and Young.

INTRODUCTION

By Senators Mathews, McCarty, Askew, Young, Hollahan, Chiles and Johnson (19th)—

SJR 1-X(67)—A joint resolution proposing a revision of the entire Constitution of the State of Florida.

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

That the revision of the entire Constitution of the State of Florida set forth below is agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at a special election to be held on Tuesday, April 18, 1967:

PREAMBLE

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

DECLARATION OF RIGHTS

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

Section 2. **Basic rights.**—All persons are equal before the law and have inalienable rights, among which are the right to enjoy life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess, and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race or religion.

Section 3. **Religious freedom.**—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.

Section 4. **Freedom of speech and press.**—Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If it shall appear that the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

Section 5. **Right to assemble.**—The people shall have the right to assemble for lawful purposes, to instruct their representatives and to petition for redress of grievances.

Section 6. **Right to work.**—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or association. The right of employees, public or private, by and through a labor union or association, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

Section 7. **Military power.**—The military power shall be subordinate to the civil.

Section 8. **Right to bear arms.**—The right of the people to bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner in which they may be borne may be regulated by law.

Section 9. **Due process.**—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself, but unreasonable refusal of a public officer to answer before a grand jury questions determined at a judicial hearing to relate directly to his official duties shall be grounds for removal from office if his ability to perform his duties is affected.

Section 10. **Prohibited laws.**—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Section 11. **Imprisonment for debt.**—No person shall be imprisoned for debt, except in cases of fraud.

Section 12. **Searches and seizures.**—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by oath or affirmation particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. Articles or information obtained in violation of this right shall not be admissible in evidence.

Section 13. **Habeas corpus.**—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

Section 14. **Bail.**—Until adjudged guilty, every person detained shall be 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. **Prosecution for crime—juvenile offenses.**—

(a) No person shall be tried for capital crime without presentment or indictment returned by the affirmative vote of two-thirds of the members of a grand jury of not less than eighteen members, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except in cases in the militia.

(b) When authorized by law, a child, as therein defined, may be charged with a violation of law as an act of delinquency instead of crime and tried informally without a jury or other requirements applicable to criminal causes. Any child so charged shall, upon demand, prior to a hearing in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

Section 16. **Rights of accused.**—In all criminal prosecutions the accused shall have the right to a copy of the charges, to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person and by counsel, and to have a speedy, public and impartial trial by jury in the county where the crime was committed. If the 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 that area shall be sufficient; but the accused may, before pleading, elect the county in which to be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

Section 17. **Excessive punishments.**—Excessive fines, cruel or unusual punishment, attainder, corruption of blood, forfeiture of estate, indefinite imprisonment and unreasonable detention of witnesses are forbidden.

Section 18. **Administrative penalties.**—No administrative agency shall impose a sentence of imprisonment, nor shall it impose any penalty except as provided by law.

Section 19. **Costs.**—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

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

Section 21. **Access to courts.**—The courts shall be opened to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Section 22. **Trial by jury.**—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and number of jurors, not less than six, shall be fixed by law.

Section 23. **Sovereign immunity.**—Sovereign immunity from liability in tort or contract shall not exist.

ARTICLE I

STATE BOUNDARIES—CAPITAL

Section 1. **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 intracoastal canal (as the same existed on June 12, 1953) and longitude 87° 27' 00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the state of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31° 00' 00" north; thence east, along the south boundary line of the state of Alabama, the same being latitude 31° 00' 00" north, to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Mary's 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 coastal boundaries may be extended by law to such limits as the laws of the United States or international law may permit.

Section 2. **Seat of government.**—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period necessary transfer the seat of government to another place.

ARTICLE II

GENERAL PROVISIONS

Section 1. **Branches of government.**—The powers of the state government shall be divided into 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 2. **State seal and flag.**—The design of the great seal and flag of the state shall be prescribed by law.

Section 3. **Public officers.**—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and 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."

and thereafter shall devote personal attention to the duties of the office, and continue in office until his successor qualifies.

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

Section 4. **Enemy attack.**—In periods of emergency resulting from enemy attack the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices, and to adopt such other measures as may be necessary and appropriate to insure the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other requirements of this Constitution, but only to the extent necessary to meet the emergency.

ARTICLE III LEGISLATURE

Section 1. **Composition.**—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

Section 2. **Members—officers.**—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure.

Section 3. **Sessions of legislature.**—

(a) **Organization sessions.** On the fourteenth day following each biennial general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) **Regular sessions.** A regular session of the legislature shall convene on the fourth Tuesday in January of each year.

(c) **Special sessions.**

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

(2) Three-fifths of the membership of each house of the legislature, by demand made as provided by law, may convene the legislature in special session.

(d) **Length of sessions.** A regular session of the legislature shall not exceed sixty consecutive days and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a two-thirds vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) **Adjournment.** Neither house shall adjourn for more than three days except pursuant to concurrent resolution.

(f) **Adjournment by governor.** If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least two legislative days before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within the period by both houses on a time for adjournment shall prevail.

Section 4. **Quorum and procedure.**—

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

(b) Sessions of each house shall be public, except that the senate may sit in executive session to consider appointment to or removal from public office.

(c) Each house shall keep and publish a journal of its pro-

ceedings, and the yeas and nays of the members on any question shall, upon the request of five members present, be entered on the journal.

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

Section 5. **Investigations—witnesses.**—Each house when in session may compel attendance of witnesses and production of public and private documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred upon a designated committee of legislators for a stated period of operation with reference to specific matters. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

Section 6. **Acts.**—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be it enacted by the Legislature of the State of Florida."

Section 7. **Passage of bills.**—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote in each house shall be taken by yeas and nays and entered on its journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives. By concurrent resolution adopted by both houses at a regular session convened in an odd-numbered year, the legislature may provide that business unfinished upon adjournment of that session shall be carried over to the succeeding regular session.

Section 8. **Executive approval and veto.**—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven days after presentation. If during that period the legislature adjourns sine die or takes a recess of more than thirty days, he shall have twenty days from the date of adjournment or recess to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill.

(b) When a bill or any item of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the house in which the bill originated if in session. If that house is not in session, he shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

(c) If each house shall re-enact the bill or reinstate a vetoed item of an appropriation bill by two-thirds vote, the yeas and nays shall be entered on the respective journals, and the bill shall become law or the item reinstated, the veto notwithstanding.

Section 9. **Effective date of laws.**—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted, unless therein otherwise provided.

Section 10. **Special and local laws.**—No special law or local law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by law in each county in the area to be affected, not less than thirty days nor more than ninety days prior to introduction in the legislature. The fact that publication has been made shall be recited on the journal of each house, and the evidence of publication shall be preserved with the bill in the office of the secretary of state. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

Section 11. **Prohibited special and local laws.**—The legislature shall not pass any special or local law pertaining to:

- (a) election, jurisdiction, duties or fees of officers, except officers of municipalities or chartered counties;
- (b) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;
- (c) rules of evidence in any court;
- (d) punishment for crime;
- (e) petit juries, including compensation of jurors, except establishment of jury commissions;
- (f) change of civil or criminal venue;
- (g) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;
- (h) refund of money legally paid or remission of fines, penalties or forfeitures;
- (i) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;
- (j) disposal of public property, including any interest therein, for private purposes;
- (k) vacation of roads;
- (l) private incorporation or grant of privilege to a private corporation;
- (m) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;
- (n) change of name of any person;
- (o) divorce;
- (p) legitimation or adoption of persons;
- (q) relief of minors from legal disabilities;
- (r) transfer of any property interest of persons under legal disabilities or of estates of decedents;
- (s) fishing or hunting;
- (t) regulation of occupations which are regulated by a state agency;
- (u) supplementation by any county or municipality of salaries and office expenses payable from state funds; or
- (v) any subject when prohibited by general law.

Section 12. **Appropriation bills.**—Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

Section 13. **Required general laws.**—The legislature shall enact general laws providing for:

- (a) the protection and promotion of the public health and welfare, and natural resources of the state;
- (b) suits against the state, its agencies and subdivisions;
- (c) a state board of health and its powers and duties;
- (d) such correctional and benevolent institutions as the public good may require;
- (e) a parole commission, prescribing the qualifications, method of selection and terms of its members, which shall not exceed six years, and empowering it to supervise persons on probation and to grant parole or conditional releases to persons under sentences for crime;
- (f) adequate liens for mechanics and laborers on the subject matter of their labors;
- (g) a public service commission composed of three commissioners to be elected from the state at large and the powers and duties of the commission;
- (h) an annual audit of all accounts of the state, counties, school districts and special districts;
- (i) the speedy publication and distribution of all laws it may enact;

- (j) an auditor to serve at the pleasure of the legislature; and

- (k) carrying into effect all the provisions of this constitution.

Section 14. **Term of office.**—No office shall be created the term of which shall exceed four years except as provided in this constitution.

Section 15. **Civil service system.**—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such officers thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

Section 16. **Terms and qualifications of legislators.**—

(a) **Senators.** Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four.

(b) **Representatives.** Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) **Qualifications.** Each legislator shall be at least twenty-one years of age and an elector and resident of the district from which elected.

(d) **Assuming office—vacancies.** Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

Section 17. **Legislative apportionment.**—

(a) **Senatorial and representative districts.** The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than forty nor more than fifty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) **Failure of legislature to apportion—judicial apportionment.** In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. Not later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) **Judicial review of apportionment.** Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) **Effect of decree in apportionment—extraordinary apportionment session.** A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) **Extraordinary apportionment session—review of apportionment.** Within fifteen days after the adjournment of an ex-

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

(f) **Judicial reapportionment.** Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

Section 18. Impeachment.—

(a) The governor, members of the cabinet, justices of the supreme court and judges of other courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote of the members present shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

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

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or an associate justice designated by him, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not; provided that the time fixed for such trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualifications to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

ARTICLE IV EXECUTIVE

Section 1. Governor.—

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

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

(c) He 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 and 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.

(d) He 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.

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

(f) He shall fill by appointment any vacancy in office, when not otherwise provided by general law of uniform application, for the remainder of the term if less than twenty eight months, otherwise until the first Tuesday after the first Monday following the next general election. Vacancy in office shall occur upon the creation of an office, upon the death of the incumbent or his removal from office, resignation, succession to another office, unexplained absence for six months, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

Section 2. Cabinet.—There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

(a) The secretary of state shall keep the records of the official acts of the legislative and executive departments.

(b) The attorney general shall be the chief state legal officer.

(c) The comptroller shall serve as the chief fiscal officer of the state, and shall audit and settle all state accounts.

(d) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller countersigned by the governor.

(e) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(f) The commissioner of education shall have supervision of matters pertaining to public education except as otherwise provided by law.

Section 3. Election of governor and cabinet.—At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the qualified electors shall choose a governor and members of the cabinet each for a term of four years beginning at noon on the first Tuesday after the first Monday in January of the succeeding year. When elected, each must be a qualified elector not less than thirty years of age who has been a citizen and resident of the state for the preceding ten years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected to that office for the succeeding term.

Section 4. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than thirty departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except that:

(a) The governor and the cabinet shall exercise with respect to the policies of executive departments those powers provided by law.

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

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

(d) The governor may, by executive order, propose any reorganization of the executive branch, to a regular session of the legislature within seven days following the convening thereof, and such proposal shall become law on the adjournment sine die of the regular session unless either house of the legislature disapproves the same by majority vote.

Section 5. Suspensions—filling office during suspensions.—

(a) 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.

(b) 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 in writing by the governor. All evidence supporting the suspension, and such evidence as the officer may desire to offer in his defense, shall be presented and recorded at the hearing and filed with the secretary of state. The governor shall promptly file with the secretary of state a further order stating his findings and 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 the record of the hearing. The senate may take further evidence and shall sustain or disapprove the suspension. If it sustains the suspension or fails to act before adjourning, the officer shall be removed from office as of the date of the original order of suspension. If the senate disapproves the suspension, the officer shall be reinstated for any remaining part of his term and shall receive compensation from the state to the date of reinstatement or to the date of expiration of his term, whichever is earlier. If an order of suspension be transmitted to the senate more than thirty days after the beginning of its session, consideration thereof may be postponed to the next regular session of the legislature. Removal proceedings shall not affect an officer's criminal or civil liability. A person suspended from office and not reinstated shall be ineligible to appointment to that office for four years.

(c) By order of the governor any municipal officer indicted for crime may be suspended from office until acquitted, and the office filled by appointment for the period of suspension, unless these powers are vested elsewhere by law or the municipal charter.

Section 6. Clemency.—

(a) By executive order filed with the secretary of state, the governor may suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses except treason.

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

Section 7. Succession to office of governor.—

(a) The secretary of state shall become governor upon failure for a period of thirty days of the governor-elect to qualify, or upon death, resignation or removal of the governor. Further succession to the office of governor shall devolve next upon the attorney general and thereafter as prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the secretary of state shall act as governor. Further succession as acting governor shall devolve next upon the attorney general, and thereafter as prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the supreme court by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

(c) A cabinet member holding office by executive appointment shall be ineligible to succeed to, or perform the duties of, the office of governor under this section.

Section 8. Game and fresh-water fish commission.—

(a) There shall be a game and fresh-water fish commission composed of five members appointed by the governor for terms of five years, one term beginning on the first Tuesday after the first Monday in January of each year. The commission shall annually elect one of its members as chairman.

(b) The game and fresh-water fish commission shall exercise the non-judicial powers of the state with respect to wild animal life other than salt-water aquatic life, except that all license fees for taking wild life and penalties for violating regulations of the commission shall be prescribed by specific statute. The legislature may enact laws not inconsistent with such regulations.

(c) The commission shall appoint, to serve at its pleasure, a director who shall be its chief administrative officer.

(d) All funds resulting from the operation of the game and fresh-water fish commission, all gifts to it, and all funds appropriated to it shall be expended by the commission in the management, restoration, conservation and propagation of wild animal life other than salt-water aquatic life. The commission shall not incur obligations in excess of current resources. No member of the commission shall be paid any sum in excess of expenses incurred in performing official duties.

ARTICLE V JUDICIARY

Section 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, county courts, magistrates courts, and courts established for the trial of offenses against ordinances of municipalities and chartered counties. Administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, and their orders shall be reviewed as provided by law.

Section 2. Administration—practice and procedure.—The supreme court shall adopt rules governing:

(a) the administrative supervision of all courts established by this article;

(b) the assignment of justices and judges, including consenting retired justices and judges, to temporary duty in any courts;

(c) practice and procedure in all courts, including the time for seeking appellate review;

(d) the times and places for holding court;

(e) the transfer of any matter to the proper court when the jurisdiction of any court has been improvidently invoked.

Section 3. Chief justice.—

(a) The chief justice of the supreme court shall be the chief administrative officer of the judicial system.

(b) At the beginning of each regular session of the legislature the chief justice shall by message inform it of the condition of the judicial system and recommend measures for the improvement of the administration of justice.

Section 4. Supreme court.—

(a) **Organization.** The supreme court shall consist of seven justices, one of whom shall be chosen the chief justice by the members of the court. Five justices shall constitute a quorum. The concurrence of four shall be necessary to a decision.

(b) **Jurisdiction.** The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of

appeal or the supreme court on the same question of law, and may issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(3) When provided by law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or entered in proceedings for the validation of bonds or certificates of indebtedness and issue writs of certiorari to commissions established by law and writs of mandamus and quo warranto to state officers and state agencies.

Section 5. District courts of appeal.—

Appellate districts. The state by law shall be divided into not less than four appellate districts of contiguous counties. There shall be a district court of appeal in each district consisting of not less than three judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision.

(a) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgment or decrees of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders or decrees in such cases to the extent provided in rules adopted by the supreme court.

(b) They shall have the powers of direct review of administrative action prescribed by law.

(c) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

Section 6. Circuit courts.—

(a) **Judicial circuits.** The state by law shall be divided into not less than seventeen judicial circuits, each composed of one county or contiguous counties, and containing at least one hundred thousand inhabitants according to the last decennial census, except that the county of Monroe shall constitute one of the circuits.

(b) **Circuit courts.** There shall be a circuit court in each judicial circuit.

(c) **Circuit judges.** There shall be provided by law at least one circuit judge in each circuit for each fifty thousand inhabitants or major fraction thereof according to the last census authorized by law. The county of residence of any circuit judge may be fixed by law, but shall not be changed with respect to an incumbent during his continuous tenure in office without his consent.

(d) **Jurisdiction.** The circuit courts shall have all original jurisdiction not vested in other courts, and the jurisdiction of appeals from other trial courts which is prescribed by law. They shall have power to issue writs of mandamus, injunction, certiorari, prohibition, quo warranto, habeas corpus, and all other writs necessary or proper to the complete exercise of their jurisdiction. They shall have the powers of direct review of administrative action prescribed by law.

Section 7. County courts.—

(a) **County courts.** In each county having a population of not more than one hundred thousand, according to the latest decennial census, there shall be a county court unless that court shall have been abolished, and not re-established, by vote of the electors pursuant to law.

(b) **County judges.** There shall be provided by law one or more judges for each county court.

(c) **Jurisdiction.** County courts shall have the jurisdiction prescribed by general law. Conditions upon which chartered counties or municipalities may authorize county courts to issue process and try violations of their ordinances may be provided by law.

Section 8. Magistrates courts.—

(a) **Courts.** There shall be a magistrates court in each county, or, if the county be divided by law into magistrates court districts, in each magistrates court district. Magistrates courts districts may be consolidated or changed by law.

(b) **Judges.** There shall be one or more judges for each magistrates court, as provided by law.

(c) **Jurisdiction.** The judges of magistrates courts shall perform such duties and exercise such jurisdiction as shall be prescribed by general law. Conditions upon which chartered counties or municipalities may authorize magistrates courts to issue process and try violations of their ordinances may be provided by law.

Section 9. **Additional judges.**—Additional judges for any court except the supreme court may be authorized by law only upon certification of need by the supreme court.

Section 10. Specialized divisions of circuit courts.—

(a) In counties having a population in excess of one hundred thousand, and in other counties when provided by law, there shall be in the circuit court a juvenile division, a probate division, a criminal division, and such other divisions as may be established by law, each exercising the specific jurisdiction fixed by law.

(b) Judges shall be appointed or elected to specialized divisions. All judges of the court shall have jurisdiction to hear all causes within the jurisdiction of the court.

Section 11. **Eligibility.**—A justice or judge shall be a citizen of the state and a resident within the territorial jurisdiction of his court. A justice of the supreme court or judge of a district court of appeal must have been a member of the bar of Florida for ten years. A judge of a circuit court must have been a member of the bar of Florida for five years. A judge of a county court or magistrates court must be a member of the bar of Florida unless otherwise provided by law.

Section 12. Vacancies.—

(a) The governor shall fill each vacancy in judicial office by appointing one of not fewer than three persons nominated by a judicial nominating commission established by law. If the governor fails to make the appointment within thirty days after the nominations have been certified to him, the supreme court shall make the appointment from those so nominated. Each appointment under this section shall be for a term ending on the first Tuesday after the first Monday in January following the next general election after the appointee has served twelve months in office.

(b) There shall be separate judicial nominating commissions for the supreme court, each district court of appeal and each judicial circuit. The nominating commission for the supreme court and the nominating commission for each district court of appeal shall make nominations for each vacancy in the office of justice or judge of such court, and the commission for each judicial circuit shall make nominations for each vacancy occurring in the office of judge of any court having territorial jurisdiction exclusively within that judicial circuit.

(c) The composition of the nominating commissions, their operating procedures, the terms of the members, which shall be staggered, and the conditions of service thereon shall be prescribed by law. No member shall hold office in a political party, or be eligible to succeed himself after having served a full term, or be nominated to judicial office by a commission during or within one year after service thereon.

Section 13. Elections—terms.—

(a) Justices and judges shall be elected in nonpartisan elections as provided by law.

(b) The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six years. The terms of judges of county courts and magistrates courts shall be prescribed by law. The terms of justices of the supreme court and judges of the district courts of appeal shall be appropriately staggered.

Section 14. Discipline—retirement—removal.—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal, two judges of circuit courts, one judge of a county court and one judge

of a magistrates court, selected by the judges of the respective categories of courts;

(2) Two electors who have resided in, and been members of the bar of, the state for eight years, appointed by the governing body of the bar of Florida;

(3) Three electors who have resided in the state for five years and have never held judicial office or been members of the bar, appointed by the governor.

(b) The members of the judicial qualifications commission shall serve appropriately staggered terms fixed by law. No member of the commission shall hold office in a political party or, except as provided herein, public office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings by the commission and the temporary replacement of disqualified or incapacitated members. After recommendation of removal of any justice or judge, the proceedings of the commission relating thereto shall be made public.

(d) Upon recommendation of the judicial qualifications commission, concurred in by two-thirds of its members, the supreme court may order that any justice or judge, except judges of municipal courts and of courts of chartered counties, may be disciplined by private reprimand; removed from office, with termination of compensation, for wilful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary; or involuntarily retired for any disability which seriously interferes with the performance of his duties and which is, or is likely to become, permanent.

(e) A justice or judge shall not serve after attaining the age of seventy years except to complete a term half of which he has served.

(f) A justice or judge involuntarily retired for disability after ten years of judicial service shall thereafter receive retirement pay as fixed by law not less than two-thirds his compensation at time of retirement.

(g) This section shall be cumulative to the power of impeachment.

(h) A justice or judge removed from office shall be subject to discipline as an attorney for professional misconduct prior to or during his tenure in office.

Section 15. Prohibited activities.—Justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party. Similar prohibitions with respect to judges of other courts may be provided by law.

Section 16. Judicial salaries.—

(a) All justices and judges shall be compensated by state salaries fixed by law. Salaries payable from state funds shall not be supplemented by any county or municipality. Judges of county courts and magistrates courts may also be compensated for non-judicial services as provided by law.

(b) The salaries of justices and judges shall not be diminished during the terms for which they have been elected or appointed, unless as part of a general reduction of salaries applying uniformly to all salaried officers and employees of the state.

Section 17. Grand juries.—

(a) The composition, length of service and number of grand juries shall be prescribed by general law. For these purposes, counties may be reasonably classified on the basis of population.

(b) A grand jury shall be convened in each county at least once in each year.

(c) The proceedings of grand juries shall be regulated by rules of the supreme court.

(d) Except as a reasonable incident to a report of its findings relating to the care of public property, the conduct of public business or the performance of duties by public officers or employees, no grand jury shall make a presentment,

other than a formal charge of crime, which is derogatory of any person.

Section 18. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four years by the qualified electors to perform duties prescribed by law. State attorneys shall appoint such number of assistant state attorneys as may be authorized by law.

Section 19. Attorneys, admission and discipline.—The supreme court shall have exclusive jurisdiction to regulate, in such manner and through such agencies as may be prescribed by its rules, the admission of persons to the practice of law and the discipline of persons admitted.

ARTICLE VI

SUFFRAGE AND ELECTIONS

Section 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law.

Section 2. Electors.—Every citizen of the United States who is at least eighteen years of age and who has been a permanent resident for one year in the state and six months in a county shall, upon registering as provided by law, be an elector of that county at all elections. Provisions may be made by law for other bona fide residents of the state who are at least eighteen years of age to register and vote in elections of presidential electors.

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

Section 4. Disqualifications.—No person convicted of a felony or adjudicated in this or any other state to be mentally incompetent shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

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 and county officer, other than justices and judges, 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. Elections to choose justices and judges, special elections, and referenda shall be held as provided by law.

Section 6. Municipal and district elections.—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided for by law.

ARTICLE VII

LOCAL GOVERNMENT

Section 1. Counties.—

(a) **Political subdivisions.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt. In every county there shall be a county seat, which shall not be moved except as provided by general law.

(b) **Government.** Pursuant to general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(c) **Powers and duties.** The powers, duties, qualifications and terms of county officers, except as provided in a county charter, shall be as prescribed by law. The care and custody of all county funds and a method of reporting and paying out all such funds shall be provided for by law.

(d) **Commissioners.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members. After each decennial census the board of county commissioners shall

divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner from each district shall be elected by the qualified electors of the county.

(e) **Non-charter government.** Counties shall have the power of self-government except as otherwise provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by law, county ordinances not inconsistent with law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(f) **Charter government.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(g) **Taxes—Limitation.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(h) **Violation of ordinances.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(i) **County seat.** The principal offices and permanent records of all county officers shall be at the county seat. Branch offices for the conduct of county business may be established elsewhere in the county by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

Section 2. Municipalities.—

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

(b) **Powers.** Municipalities shall have the power of self-government. They shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **Annexation.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extraterritorial powers by municipalities shall be as provided by general or special law.

Section 3. Consolidation.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. A consolidation plan may be provided by legislative act or by act of the governing bodies of each of the governments affected. A consolidation plan shall become effective if approved by the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payments of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Section 4. Transfer of powers.—Any functions or powers of a municipality or a special district may be transferred to the county in which the municipality or special district is located or to any other municipality or special district in the county, after approval by vote of the electors of the transferor and approval of the governing body of the transferee.

Section 5. Cooperation between 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 6. Local options.—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in

a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beer shall be regulated by law.

ARTICLE VIII

FINANCE AND TAXATION

Section 1. Taxation—appropriations—state expenses.—

(a) No tax shall be levied except in pursuance of law. Each form of taxation except ad valorem taxes may be pre-empted to the state by general law.

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

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

Section 2. Levy—classification—assessment.—

(a) By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation. For the levying of taxes property may be classified by general law on the basis of character or use, and the rate of taxation shall be uniform in each class.

(b) The tax on intangible personal property shall never exceed two mills on the dollar of assessed value; provided that as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

(c) No state ad valorem taxes shall be levied upon real estate or tangible personal property.

Section 3. Motor vehicles.—In lieu of all ad valorem taxes, motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall for their operation be subject to a license tax in such amount and levied for such purposes as may be prescribed by law.

Section 4. Estate, inheritance and income taxes.—No tax upon estates or inheritances or upon the income of residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States.

Section 5. Exemptions.—

(a) There shall be exempt from taxation, cumulatively, to the head of a family residing in this state, household goods and personal effects to the value of one thousand dollars, and to every widow and every person who has lost a limb or been disabled, property to the value of five hundred dollars.

(b) Any property used exclusively for municipal, educational, literary, scientific, religious, charitable or public purposes may be exempted by law from taxation.

Section 6. Homestead exemptions.—

(a) Real estate, or any legal or equitable interest therein, maintained as a bona fide permanent home for the owner or another legally or naturally dependent upon him, shall be exempt from taxation, except assessments for special benefits, to the extent of five thousand dollars of assessed value. The real estate may be held by legal or equitable title, by the entirety, jointly, in common, or indirectly by stock ownership in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or married couple. No exemption shall exceed:

(1) the value of the interest of the owner, legal, equitable or indirect, in the property assessed;

(2) within a municipality, the value of the real estate actually occupied as the home; or

(3) outside a municipality, one hundred sixty acres of contiguous land.

(c) By vote of its electors any county, municipality or special district may eliminate or reduce the amount of such

exemption, or cause the same to be inapplicable, in whole or in part, to the taxes levied for school, county, municipal or special district purposes respectively. It shall be the duty of the governing body of any county, municipality or special district, upon petition of ten per cent of its qualified electors who are freeholders, to call an election for such purpose. The election may be held separately or with any other election not sooner than two years after an earlier election under this section.

Section 7. Pari-mutuel taxes.—All or any portion of the excise taxes levied upon the operation of pari-mutuel pools may be allocated by law and distributed to the several counties in equal amounts.

Section 8. Aid to local government.—State funds may be appropriated to the several counties, county and district school boards, municipalities or special districts upon such conditions as may be provided by general law.

Section 9. Local taxes.—Counties and municipalities shall, and special districts may, be authorized by law to levy taxes for their respective purposes, except ad valorem taxes on intangible property, and taxes prohibited by this constitution.

Section 10. Local school taxes.—County and school district taxes for the support of public schools shall be authorized by law. No ad valorem tax for current school operating expenses in excess of ten mills on the dollar of assessed value of property shall be levied except when higher maximum taxes, for periods not exceeding two years, are approved by vote of the electors of the county or school district who pay therein a tax on real or personal property.

Section 11. Pledging credit.—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend, or use its taxing power or credit directly or indirectly to aid any corporation, association, partnership, or person; but this shall not prohibit the investment, until needed, of public funds in obligations of, or insured by, the United States or any of its instrumentalities, or the investment of trust funds as may be provided by law.

Section 12. State bonds and revenue bonds.—

(a) Bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of necessary capital projects for state purposes. No vote of the electors shall be required, provided (1) the bonds are issued to refund outstanding state bonds; or (2) the bonds (i) other than refunding bonds, shall not exceed in the aggregate in any fiscal year five per cent (5%) of the total tax revenues of the state for the two preceding fiscal years, (ii) shall not create in the aggregate a state bonded debt in excess of the total tax revenues of the state for the two preceding fiscal years, and (iii) shall not be issued to finance any part of the highway system. The issuance of all other bonds under this sub-section 12 (a) shall be approved by a majority of the votes cast in a state election held for such purpose.

(b) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance the cost of necessary capital projects for state purposes and shall be payable solely from funds derived from source other than state tax revenues or rents or fees paid from state tax revenues; except that revenue bonds issued to finance or refinance parts of the state highway system may with consent of a county be secured by a pledge of taxes on petroleum or other motor vehicle propellant products allocated to such county to the extent authorized herein or by general law; and except that revenue bonds may be issued pursuant to the provisions of Article XII, Section 10(d) of this Constitution.

Section 13. Local bonds.—Counties, county school boards, district school boards, municipalities, and special districts may issue bonds payable from ad valorem taxation only when authorized by law for capital projects and only when approved by a majority of the votes cast in an election by the electors of the county, school district, municipality or special district who are owners of freeholds therein which are not wholly exempt from taxation. No election shall be required for bonds issued exclusively for the purpose of refunding outstanding bonds or the interest thereon of such county, county school board, school district, municipality or special district.

Section 14. Relief from illegal taxes.—Until payment of all taxes which have been legally assessed upon the property of

the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

**ARTICLE IX
EDUCATION**

Section 1. Free public schools and higher education.—Adequate provision shall be made by law for the establishment, maintenance and operation of a uniform system of free public schools and institutions of higher learning.

Section 2. State board of education.—The governor and members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of public schools and institutions of higher learning as may be provided by law.

Section 3. Board of regents.—The governor shall appoint a board of nine regents for staggered terms of nine years, one term beginning on the first day of each year, who shall have the qualifications and the powers, duties and jurisdiction over institutions of higher learning prescribed by law.

Section 4. School districts—school boards.—

(a) Two or more contiguous counties may be combined by law into a school district. In each county or school district there shall be a school board composed of five members meeting requirements of residence fixed by general law and, if authorized by local law, not more than six additional members meeting residence requirements fixed by local law, all elected by the electors of the county or school district for terms of four years staggered as provided by law.

(b) The school board shall operate, control and supervise all public schools within the county or school district and determine the rate of county or school district school taxes. Two or more counties or school districts may, if authorized by law, operate and finance joint educational programs.

Section 5. Superintendent of schools.—In each county or school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four, for a term of four years; except that, when provided by local law, subject to referendum in the county or school district, the superintendent of schools shall be appointed by and serve at the pleasure of the school board. The local law may be repealed, subject to referendum in the county or school district, only after it has been in effect for three years. The qualifications, powers and duties of the superintendent of schools shall be prescribed by law.

Section 6. Public school fund.—In each county and school district there shall be established a public school fund consisting of the proceeds of such ad valorem taxes on the taxable tangible property in the county or school district as may be provided by law, any state appropriations distributed to it, and any revenue derived from any other source for the support and maintenance of free public schools. The school board shall disburse the public school fund solely for the support and maintenance of free public schools as prescribed by general law. No law shall be enacted authorizing the diversion or lending of the fund or the use of any part of it for support of any sectarian school.

Section 7. State school fund.—The state school fund shall remain inviolate and interest derived from investment thereof shall be applied exclusively to the support of free public schools. This interest shall be apportioned among school districts as provided by law.

**ARTICLE X
MISCELLANEOUS**

Section 1. Amendments to United States Constitution.—The legislature shall not take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.

Section 2. Militia.—

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

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

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

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to United States army regulations and usages.

Section 3. Homestead—exemptions.—

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

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

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

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

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

Section 4. Coverture and property.—There shall be no distinction between married women and married men in the holding, control, disposition or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law.

Section 5. Eminent domain.—

(a) No private property or right of way shall be taken for a public purpose without just compensation therefor, including damages arising from the taking, as determined by a jury, and court costs, reasonable expenses and attorneys' fees, as determined by a court, paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Title and possession of the property may be taken before final judgment upon deposit in the registry of the court, available to the owner, of a sum found by the judge of the court to be fair and reasonable after a hearing pursuant to reasonable notice as provided by law.

(c) Any owner may accept or withdraw from the registry of the court the deposit made before judgment without waiving the right to jury trial, or the deposit of the sum awarded by judgment after trial without waiving the right of appeal. No appeal from any order or judgment of taking shall operate as a supersedeas.

(d) Provision may be made by law for the taking, by like proceedings, of:

(1) rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another; and

(2) private property in any slum or blighted area, for the protection of the public health, safety and welfare, and public funds may be used for this purpose.

Section 6. Lotteries.—All lotteries are prohibited other than pari-mutuel pools regulated by law.

Section 7. Census.—

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

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

Section 8. Repeal of criminal statutes.—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

Section 9. 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 10. 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. "Of the membership" means "of all members thereof".
- (f) Titles and subtitles shall not be used in construction.

**ARTICLE XI
AMENDMENTS**

Section 1. Proposal by legislature.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the yeas and nays of the members shall be entered on the journal of each house.

Section 2. Revision commission.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty seven members:

- (1) The attorney general of the state;
- (2) twelve members selected by the governor;
- (3) twelve members selected by the chief justice of the supreme court of Florida with the advice of the justices; and
- (4) six members selected by the speaker of the house of representatives and six members selected by the president of the senate.

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

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

Section 3. Initiative.—The power to propose amendments to any section of this constitution by initiative is reserved to the people. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed amendment, signed by a number of electors in each of one half of the congressional

districts of the state, and of the state as a whole, equal to eight per cent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

Section 4. Constitutional convention.—The power to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the secretary of state a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question vote in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the secretary of state any revision of this constitution proposed by it.

Section 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission or constitutional convention proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

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

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

ARTICLE XII

SCHEDULE

Section 1. Constitution of 1885 superseded.—The Constitution of Florida adopted in 1885, as amended from time to time, is superseded by this constitution except those sections expressly retained and made a part of this constitution by reference.

Section 2. Counties—county seats—municipalities—districts.—The status of the following items as they exist on the date this constitution becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beer; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

Section 3. Sarasota county—homestead tax exemption.—The status of Sarasota county as respects homestead tax exemption under Article X, section 7, of the constitution of 1885, as amended, shall continue in effect until changed by the procedure specified in Article VIII, section 6(c) of this constitution.

Section 4. Officers to continue in office.—Every person holding office when this Constitution becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid

adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

Section 5. State commissioner of education.—The state superintendent of public instruction in office on the effective date of this constitution shall become and, for the remainder of the term being served, shall be the commissioner of education.

Section 6. Superintendent of schools.—

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

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

Section 7. Laws preserved.—

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

(b) All statutes which, under the Constitution of 1885, as amended, apply to the state superintendent of public instruction and those which apply to the county superintendent of public instruction shall under this constitution apply, respectively, to the state commissioner of education and the county superintendent of schools.

(c) Article III, section 11(u), and so much of Article V, section 16(a), as relates to county supplementation of state salaries, shall be effective only after June 30, 1969, and after state laws provide salaries and expenses at least equal to the aggregate being paid when this constitution becomes effective.

Section 8. Rights reserved.—

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

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

Section 9. Public debts recognized.—All bonds, revenue certificates, revenue bonds and tax anticipation certificates issued pursuant to the Constitution of 1885, as amended, by the state, any agency, political subdivision or public corporation of the state shall remain in full force and effect and shall be secured by the same sources of revenue as before the adoption of this constitution, and, to the extent necessary to effectuate this section, the applicable provisions of the Constitution of 1885, as amended, are retained as a part of this constitution until payment in full of these public securities.

Section 10. Bonds.—

(a) **Additional securities.** No additional revenue bonds shall be issued pursuant to section 17 of Article IX or section 19 of Article XII of the Constitution of 1885.

(b) **Refunding bonds.**—Revenue bonds heretofore issued to finance the cost of capital projects for state purposes, including projects of the Florida State Turnpike Authority but excluding all portions of the state highway system, may be refunded at a savings in interest cost by the issuance of bonds pledging the full faith and credit of the state without regard to the amount of bonds which may be issued in any fiscal year. Refunding bonds, issued under this sub-section (b), shall be included in determining the total authorized state bonded debt pursuant to Article VIII, sub-section 12(a) of this constitution.

(c) **Gasoline taxes.**—

(1) The second gas tax, consisting of two cents (2¢) per gallon, shall be levied, as a state tax, upon gasoline, other like products of petroleum and other fuels used to propel motor vehicles for a period of fifteen (15) consecutive years after the

date this constitution becomes effective. The proceeds of the second gas tax shall, as collected, be placed monthly in the "State Roads Distribution Fund" in the state treasury and shall be distributed for road and bridge purposes in the state as hereinafter provided.

(2) Article IX, section 16, of the Constitution of 1885, as amended, as it existed immediately before this constitution becomes effective is adopted by this reference as a part of this constitution as completely as though incorporated herein verbatim for the sole and exclusive purpose of providing that after the effective date of this constitution the proceeds of the second gas tax shall be distributed among the several counties in accordance with the formula stated therein to the extent, but only to the extent necessary to fully comply with all obligations to or for the benefit of persons holding bonds, revenue certificates, and tax anticipation certificates or any refundings thereof secured by a pledge of such revenue.

(3) No new obligations shall hereafter be entered into directly or indirectly secured by a pledge of funds anticipated to be distributed under the formula stated in said Article IX, section 16, except that any outstanding obligations previously issued under said Article IX, section 16, may be refunded at a savings in interest cost by the issuance of refunding bonds maturing not later than the obligations refunded and secured by a pledge of the same revenue.

(4) Subject to the requirements of paragraph (2) above, the second gas tax shall be distributed monthly among the counties in such manner that each county shall receive a sum, including the amount received under sub-section (2), determined by allocation of the second gas tax among the several counties as follows: one-third according to area and two-thirds according to population, provided; should the amount distributed to any county in any month pursuant to sub-section (2) exceed the sum which would be allocated to that county by application of the formula stated in this sub-section, the sums allocated to other counties pursuant to this sub-section shall be proportionately reduced;

(5) Such funds so distributed under paragraph (4) above shall be administered by the State Board of Administration, a body corporate. Such board shall succeed to all the power, control and authority of the State Board of Administration created under said Article IX, section 16. Such 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 the second gas tax. The board shall remit monthly the proceeds of the second gas tax in each county account as follows: eighty per cent (80%) to the State Road Department for the construction, reconstruction, lease or purchase of state roads and bridges within the county, and twenty per cent (20%) to the Board of County Commissioners of such county for use on roads and bridges therein.

(6) Said board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted. The legislature shall continue the levies of said taxes during the life of this sub-section 10(c) and shall not enact any law having the effect of withdrawing the proceeds of said two cents (2¢) of said taxes from the operation of this sub-section. The board shall pay 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.

(d) Article XII, Section 18 of the Constitution of 1885, as amended, as it existed immediately before this constitution becomes effective is adopted by this reference as a part of this constitution as completely as though incorporated herein verbatim.

Section 11. Judiciary.—

(a) **Jurisdiction of courts.** After this constitution becomes effective, and until changed by law consistent with Article V hereof:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, except original jurisdiction in cases of habeas corpus.

(2) District courts of appeal shall have the jurisdiction immediately theretofore exercised by them.

(3) Circuit courts shall have the jurisdiction immediately theretofore exercised by them and by all the courts abolished by this constitution, except the jurisdiction vested by this constitution in other courts.

(4) County courts shall have jurisdiction of civil cases at law in which the demand or value of property involved shall not exceed two thousand dollars, exclusive of interest, and of the trial of misdemeanors, and all the jurisdiction immediately theretofore exercised by county judges' courts; except the jurisdiction conferred upon magistrates courts.

(5) Magistrates courts in each county shall exercise in their respective counties and districts the jurisdiction in civil cases and the trial jurisdiction in criminal cases exercised by the respective small claims courts and justice of the peace courts immediately before this constitution became effective, each judge being limited to the jurisdiction theretofore exercised by the court of which he was judge. All judges of magistrates courts shall be coroners and committing magistrates.

(b) **Transfer of pending cases—transfer of judges.** When this constitution becomes effective:

(1) All courts not herein authorized shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior judgments shall vest in the court which, under this constitution, would have jurisdiction of the cause if thereafter instituted. All records of, and property held by, courts abolished hereby shall be transferred to the proper officer of the appropriate court under this constitution.

(2) County judges in all counties having a population in excess of one hundred thousand according to the latest decennial census, the judges of all courts of record by whatever name designated, and the judges of juvenile courts who hold no other office, for the remainder of their respective terms of office, shall become judges of the circuit court of the circuit in which they reside. All judges of the criminal courts of record of Dade, Duval, Hillsborough, Monroe, Orange, Palm Beach and Polk Counties and of the felony court of Volusia County and an appropriate number of judges of the civil and criminal court of record of Pinellas County and the courts of record of Broward and Brevard Counties shall be assigned by the chief justice of the supreme court to service in special criminal divisions of the circuit court. Judges of juvenile courts who become judges of circuit courts shall be assigned to juvenile divisions of the circuit courts, and county judges who become judges of circuit courts shall be assigned to the probate divisions of the circuit courts.

(3) In counties having a population of not over one hundred thousand according to the latest decennial census the county judges shall become the judges of the county courts.

(4) Justices of the peace, and the judges of small claims courts who hold no other office, shall become judges of magistrates courts, each serving, for the remainder of his term, a magistrates court district identical with his former territorial jurisdiction.

(c) **Limited operation of some provisions.—**

(1) The requirement of Article V, section 16, that all justices and judges be compensated by state salaries fixed by law shall not be effective until October 1, 1971.

(2) The qualifications for appointment or election to judicial office fixed by Article V, section 11, shall not apply to the future election of persons to judicial offices held by them immediately after this constitution becomes effective.

(3) No justice or judge holding office immediately after this constitution becomes effective who held state judicial office on June 30, 1957, shall be subject to retirement from judicial office pursuant to Article V, section 14.

(d) **Number of judges.** Until changed by law the number of judges of the circuit court in each circuit shall be that number required by Article V, section 6(c), increased by the number of judges of other courts becoming circuit judges by operation of Article XII, section 11 (b) (2), with one additional judge in the circuit in which is located Duval county and one additional judge in the circuit in which is located the state capital.

(e) **Non-judicial duties of county judges.** Until otherwise provided by law, the non-judicial duties required of county judges shall be performed by the judges of the county courts in counties in which that office exists, and in counties in which there is no county court they shall be performed by the officers to whom they may be assigned by proclamation of the governor.

(f) **County solicitors, prosecuting attorneys.** Until otherwise provided by law, county solicitors and county prosecuting attorneys, when those offices exist by law, shall prosecute the classes of crime within the jurisdiction of their respective offices immediately prior to the date this constitution becomes effective.

(g) **Population changes.** The county judge of a county which attains a population of more than one hundred thousand inhabitants according to the decennial census taken next after this constitution becomes effective shall become, for the remainder of his term, a judge of the circuit court of the circuit in which the county is located and shall be assigned to the probate division of that court.

Section 12. **Ordinances.**—Local laws relating only to unincorporated areas of a county on the effective date of this constitution may be amended or repealed by county ordinance.

Section 13. **Preservation of existing government.**—All provisions of the Constitution of 1885, as amended, which are not inconsistent with this constitution shall become statutes subject to modification or repeal as are other statutes.

Section 14. **Consolidation and home rule.**—Article VIII, sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected until that county shall adopt a charter or home rule plan pursuant to this constitution.

Section 15. **Deletion of obsolete schedule items.**—The legislature shall have power, by joint resolution, to delete from this constitution any section of this Article XII, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

Section 16. **Effective date.**—This constitution shall become effective at 12:01 o'clock A.M. Eastern Standard Time, July 1, A.D. 1967.

Was read the first time in full and referred to the Committee on Constitutional Revision.

By Senator Spottswood—

SCR 2-X(67)—A concurrent resolution relating to the recess of the senate and house of representatives to January 27, 1967.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

Section 1. That the senate and house of representatives be in recess until 10:00 a.m., January 27, 1967.

Section 2. During the recess period, all per diem shall be waived.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By permission, the following statement of Senator Spottswood was received:

Mr. President:

It is my sincere feeling that the proper, rational, and sensible approach to our taking up the weighty and important problem of constitutional revision should be in the following manner:

1. Copies of the proposed revised constitution of Florida prepared by the Constitution Revision Commission should be distributed to each Senator and each Member of the House of Representatives.

2. The President of the Senate and the Speaker of the House should appoint committees to study the proposed constitution and hold public hearings.

3. The House and Senate should pass a joint resolution calling themselves into session immediately following the regular

session for the purpose of considering the proposed revised constitution.

4. The Senate and House should then pass a concurrent resolution going into recess for the balance of the Governor's call, which resolution should specify that during the recess all per diem shall be waived.

The members of the legislature should have at least 30 days to consider the proposed new constitution while not in session. During this time they can individually go over it, ear-mark it in the margin, pencil it up, and prepare amendments. During this same period of time, copies of the proposed constitution should be distributed throughout the state to the public, press, radio, television, and during this time, civic organizations and other interested parties can debate the proposed constitution and each member of the legislature will have the opportunity while at home and in his own district to discuss the constitution and have the benefit of the sentiment and feelings of the people at home and not until after this has been accomplished should the legislature be in session for the purpose of considering a proposed new constitution. During this same period of time, legislative committees should be holding public hearings. The only public hearings held thus far were those held by the Constitution Revision Commission, and these were held prior to the time the Revision Commission went into formal session. No hearings have been held on the final product of the Commission. It is now the responsibility of the legislature to hold its own public hearings.

After the legislature has met and passed a proposed new constitution there should be a minimum of 90 days for the public and other interested parties to consider the proposed new constitution as passed by the legislature, before the public is called upon to ratify or reject the constitution at a regular or special election held for that purpose. And, in the event that a special election is called for this purpose, this special election should not be held while the legislature is in session.

Even if this timing, as enumerated in the preceding, could be accomplished prior to the legislature meeting in regular session in April, certainly no special election should be held during the legislative session. The members of the legislature should have the opportunity to be at home to defend their stand and not be restricted from doing so by virtue of being in session. The demands that will be placed upon the members of the legislature during the few weeks prior to such special election, and during the session preceding and during the election, would make for an impossible situation at the legislative session, cause chaos, and make it impossible to attend to the important tasks of the regular session.

Those among us who sincerely want a new constitution should give ample time for the legislature to study it and for the people to consider the product of the legislature prior to calling for an election for the people to ratify or reject the legislative work product. If they do not do this, most likely the public will react to these railroad tactics—the constitution will be rejected—and constitution revision will be set back several more years.

If we sincerely want constitution revision, we should use the proper tactics that would best guarantee success. To embark on any other course is fraught with danger—highly improper—and most inconsiderate of the public. If the legislature chooses to remain in Tallahassee now to start work on the constitution, overwhelming odds are against their being able to complete the job properly. If they do complete it, it will most likely be under duress, pressure and railroad tactics and the product will not be the result of proper deliberations for such an important document as our Constitution. The odds are that the document will not be a good one and would not be a credit to the legislature and most likely rejected by the voters.

We most certainly have a much better chance and opportunity for the public to adopt a proposed constitution that has had proper time given to it and proper time for the public to consider it. If we decide on a course to remain here now and go to work on it and we do not accomplish our purpose we will have cost the taxpayers a lot of money. We need money badly for schools, our higher education system, and a lot of other things and we can do best by the people we represent by going ahead now by appointing committees to go to work on the new constitution, taking copies home with us, studying it, and handle it in special session immediately following the regular session.

I realize—at this moment—many Senators have not yet had

time to settle on a proper course of action. Therefore, I am not moving for the passage of this resolution at this time so as to give the Senate time to consider it along with other proposals that might be forthcoming.

Further, Mr. President, due to the information received by this Senate today, that the United States Supreme Court has

remanded our present apportionment plan of the Florida Legislature back to the District Court, I feel that any prolonged labor on constitutional revision should not be embarked upon at this time.

On motion of Senator Whitaker, the Senate stood adjourned at 4:20 P.M. until 9:30 A.M., Tuesday, January 10, 1967.