

SPECIAL SESSION

JOURNAL OF THE SENATE

Friday, September 1, 1967

The Senate was called to order by the President at 9:15 a. m. The following Senators were recorded present:

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Sayler	

47. A quorum present.

Excused: Senator Haverfield.

Prayer by Senator John E. Mathews, Jr. of the 8th Senatorial District:

Our gracious heavenly father, as we come to the closing days of this period in the State of Florida, help us to have understanding in our hearts, to know and to appreciate the views of those who may differ with us. Help us to have faith, hope, and charity. As we depart to go to our homes, let us do so with the views and the determination that our efforts in the past will be stepping stones for others in the future. We thank thee for our many blessings and ask God in his infinite wisdom to guide our paths. Amen.

The Journal of August 31 was corrected and approved.

REPORT OF COMMITTEE

The Committee of the Whole recommends a Committee Substitute for the following:

SJR-2-4X(67)

The joint resolution with Committee Substitute attached was placed on the Calendar.

SECOND READING

SJR 2-4X(67) was taken up, together with:

By the Committee of the Whole—

CS for SJR 2-4X(67)-A joint resolution proposing a revision of the Constitution of Florida.

—which was read the first time in full and SJR 2-4X(67) was laid on the table.

On motion by Senator Mathews, the rules were waived and CS for SJR 2-4X(67) was read the second time in full.

On motion by Senator Mathews, the Senate recessed at 9:35 a. m. until 10:00 a. m.

The Senate was called to order by the President at 10:00 a. m. A quorum present.

Senator Stockton offered the following amendment which was adopted:

Article III, Section 1, page 11, strike lines 9 and 10

The President announced the appointment of Senators Askew, Chiles, Cross, de la Parte, Friday, Hollahan, Horne, McClain, Shevin, Slade, Young, Mathews, Spencer and Stockton as members of the Interim Constitutional Revision Steering Committee.

Senator Chiles offered the following amendment which was adopted:

Amendment 1-b—Article III, Section 3, Subsection (2), on

page 12, beginning at line 17, strike the period (.) at end of sentence and add: ; or otherwise as provided by law.

Senator Friday offered the following amendment which was adopted on motion by Senator Askew:

Amendment 71-a—Article III, Section 8, Subsection (a), on page 15, beginning at line 14, delete Subsection (a) and insert the following:

(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 consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation 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.

Senator Friday also offered the following amendment which was adopted on motion by Senator Askew:

Amendment 72-a—Article III, Section 8, Subsection c, on page 16, beginning at line 7, delete subsection (c) and insert the following:

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

Senator Friday also offered the following amendment which was adopted:

Amendment 73-a—Article III, Section 10, on page 16, beginning at line 17, delete section 10 and insert:

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 general law. 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.

Senators Shevin, Thomas and Wilson offered the following amendment which was adopted on motion by Senator Shevin:

Amendment 70-a—Add new section in Article III: In the enactment of general laws on all subjects except those enumerated in Article III, Section 11, the legislature may classify political subdivisions and other units of local government on any basis reasonably related to the subject matter of such general laws.

Senator Shevin offered the following amendment:

Amendment 2-b—Article III, Section 16, line 27, page 19, strike: "twenty"

Senator Stockton offered the following substitute amendment which failed:

Article III, Section 16, Subsection a, on page 19, beginning at line 23, strike "forty" and insert fifty

Amendment 2-b was adopted.

Senators Horne, Barrow, Barron and Boyd offered the following amendment which was moved by Senator Horne:

Amendment 3-b—Article V, Section 7, on page 36, beginning at line 6, Section 7 is amended to read:

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.] There shall be in each such county one or, if so provided by law, more county judges who shall be elected by the qualified voters of the county and shall hold office for four years. He shall be judge of the county court and perform such other duties as provided by law.

(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.] The county court shall have original jurisdiction in matters of probate, guardianship, and administration of estates of decedents, minors, and incompetents; in incompetency proceedings; in proceedings relating to forcible entry and unlawful detainer; in such criminal matters as may be prescribed by law; and in cases at law not within the exclusive jurisdiction of the circuit court, as may be prescribed by law. County courts shall have such other jurisdiction as 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.

(d) Clerks. Each county judge shall have power to appoint a clerk, or clerks, to serve as clerk of the county court and exercise all the nonjudicial functions which the judge may perform, and such clerks shall serve at his pleasure.

Amendment 3-b failed with Senators Horne, Barrow, Barron and Boyd voting "Yea".

Senator Chiles presiding.

The Steering Committee offered the following amendment which was moved by Senator Friday:

Amendment 74-a—Article VI, Section 2, on page 42, beginning at line 9,

Section 2.

Electors.—Every citizen of the United States who is at least [eighteen] nineteen 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] nineteen years of age to register and vote in elections of presidential electors.

Senator Young offered the following substitute amendment which failed:

Article VI, Section 2, on page 42:

Strike: "18" and insert 21

Senator Sayler offered the following amendment to Amendment 74-a which failed:

Delete "19" and insert 20

Amendment 74-a was adopted.

The President presiding.

Senator Stolzenburg offered the following amendment which was adopted:

Amendment 6-b—Article VII, Section 1, Subsection (d), on page 45, beginning at line 9, add the following: One commissioner residing in each district shall be elected by the qualified electors of the county.

Senators Broxson and Fisher offered the following amendment which was moved by Senator Broxson and failed:

Amendment 80-a—Article VIII, Section 4, on pages 50 and 51, strike section 4 and rewrite.

Section 4. Estate, inheritance and income taxes.—

No tax upon the personal income of citizens of the state 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, and no tax upon the first one hundred twenty thousand dollars of an estate or inheritance shall be levied by the state or under its authority.

The vote was:

Yeas—14

Broxson	McClain	Shevin	Wilson
de la Parte	Mathews	Spencer	Young
Fisher	Ott	Stolzenburg	
Griffin	Poston	Stone	

Nays—28

Mr. President	Clayton	Gong	O'Grady
Askew	Deeb	Gunter	Plante
Bafalis	Edwards	Hollahan	Slade
Barrow	Elrod	Horne	Stockton
Bell	Fincher	Johnson	Thomas
Boyd	Friday	Knopke	Weber
Chiles	Gibson	Lane	Weissenborn

EXPLANATION OF VOTE

While I have no reluctance to tax such estates, I voted no because this provision could well result in wealthy residents changing their legal domicile for tax purposes and we would lose even the credit tax we now receive. This could result in our present revenue decreasing and not increasing. In addition, Florida would lose the use of the capital of these residents which is important to the economic development of our state.

REUBIN O'D. ASKEW, 2nd District

Senators Friday, Poston and Hollahan offered the following amendment which was moved by Senator Poston:

Amendment 79-a—Article VIII, Section 8, on page 53, beginning at line 7, strike Section 8 and insert in lieu thereof:

Section 8. 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 of any of its instrumentalities, or the investment of trust funds as may be provided by law.) The legislature may authorize any county, municipality, special district or other governmental body to issue and sell revenue bonds to finance or refinance the cost of any capital projects which the legislature has determined to be for a public purpose, so long as such bonds are payable solely from revenues derived from such capital project, even though the capital projects may be leased or alienated in whole or in part to private corporations or individuals, in which event, however, the financial responsibility of the applicant industry and the economic feasibility of the project shall first be approved by the board of bond review or its successors, provided further that at the time of issuance the interest on such bonds is exempt from federal income tax; (and further provided that the properties acquired hereunder and the operation thereof when occupied or operated privately shall be subject to taxation to the same extent as privately owned property and operations.)

Note: Parentheses indicate Senate language not in House draft. Underlined language is from House draft adopted by the committee. Double underlined language indicates language which is in neither version.

The President Pro Tempore presiding.

Senator Thomas offered the following substitute amendment which failed:

Insert all of Section 8 on page 53 lines 7 thru 17. Strike lines 18 thru 31.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until final action on Amendment 79-a.

Amendment 79-a failed. The vote was:

Yeas—20

Mr. President	Friday	McClain	Spencer
Bafalis	Gong	Mathews	Stockton
Barrow	Hollahan	Poston	Stone
Fincher	Horne	Sayler	Weissenborn
Fisher	Lane	Shevin	Wilson

Nays—24

Askew	Cross	Gunter	Plante
Barron	Deeb	Henderson	Reuter
Boyd	de la Parte	Johnson	Stolzenburg
Broxson	Elrod	Knopke	Thomas
Chiles	Gibson	O'Grady	Weber
Clayton	Griffin	Ott	Young

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Haverfield on amendment 79-a. If he were present he would vote "Yea" and I would vote "Nay."

JOHN BELL, 38th District

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:06 p. m. to reconvene at 1:30 p. m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p. m.

The following Senators were recorded present:

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Sayler	

47. A quorum present.

Senator Barron offered the following amendment which failed:

Amendment 8-b—Article VIII, Section 7, Subsection (b), on page 52, beginning at line 23, as follows:

(b) Ad valorem taxes shall not be levied in excess of the following millages on the dollar of assessed value for the following purposes: For all county purposes, including special taxing district lying wholly within a county, ten mills; for all municipal purposes, ten mills; and for all school purposes, ten mills; except taxes levied for the payment of principal of and interest upon bonds and taxes levied for periods not longer than two years when authorized by vote of the owners of freeholds not wholly exempt from taxation. [A county furnishing municipal services in unincorporated areas may, to the extent authorized by law, levy therein additional taxes within the limits fixed for municipal purposes.] A county furnishing municipal services in unincorporated areas may, to the extent authorized by law, with the affirmative vote of the freeholders in the area receiving such services, levy therein additional taxes within the limits fixed for municipal purposes.

Senator Thomas offered the following amendment which was adopted:

Amendment 81-a—Article VIII, Section 10, on pages 54 and 55, strike Section 10 and insert new Section 10 as follows:

Section 10. Local bonds.—Counties, district school boards, municipalities, and special districts may issue bonds or any form of tax anticipation certificates or certificates of indebtedness maturing more than twelve months after issuance 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.

Senator Friday offered the following amendment which was adopted:

Amendment 78-a—Article VIII, on page 55, beginning at line 23, add a new Section as follows:

Section 12. Allocation of pari-mutuel taxes.—

Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. Any part allocated to the counties shall be distributed in equal amounts to the several counties.

Senator Boyd offered the following amendment which was adopted:

Amendment 7-b—Article IX, Section 4, Subsection (b), on page 56, beginning at line 29, after the word "may" insert: with an affirmative vote of the electors of each district,

Senators Gong, Barrow and Stone offered the following amendment which was adopted on motion by Senator Stone:

Amendment 69-a—Article X, Section 4, on page 60, beginning at line 1, strike entire section and insert the following:

Section 4. (a) **Separate property not subject to husband's debts.**—All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing.

(b) **Equitable charges, sequestration; debts.**—A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestered for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon with her knowledge and consent.

(c) **Legislature to enact laws to enforce article.**—The legislature shall enact such laws as shall be necessary to carry into effect this Article.

Senators Weissenborn, Stone, Thomas and Friday offered the following amendment which was adopted on motion by Senator Weissenborn:

Amendment 5-b—Article X, Section 10, on page 62, beginning at line 1, Section 10 is amended to read:

Section 10. Sovereignty lands.—The title to lands within the borders of this state under navigable waters, including the shores on or space between ordinary high and low water marks, is held by the state, by virtue of its sovereignty, in trust for all the people, and limited disposition of portions of such lands, or the use thereof, may be made by the state only when such limited disposition is [in the interest of the public welfare.] not contrary to the public interest. [The state shall not abdicate general control over such lands and the water thereon, even where such limited disposition is made.] The legislature shall enact such legislation as shall be necessary [to implement this section.] to provide procedures and conditions for such limited disposition.

Senator Friday offered the following amendment which was adopted:

Amendment 75-a—Article X, Section 11, on page 63, add a new subsection as follows:

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

Senators Friday, Hollahan, Knopke and Poston offered the following amendment which was moved by Senator Friday:

Amendment 68-a—Article XII, Section 10, strike all of Section 10 and insert in lieu thereof a new Section 10, substantially reworded as follows:

Section 10. Bonds.—

(a) Additional securities.

No additional revenue bonds shall be issued pursuant to Article IX, Section 17, or Article XII, Section 19 of the Constitution of 1885, as amended.

(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, may be refunded at a lower interest rate and a savings in cost by the issuance of bonds pledging the full faith and credit of the State and maturing not later than the obligations refunded, without regard to the amount of state bonds which may be issued in any fiscal year. Refunding bonds, issued under this subsection (b), shall be included in determining the authorized maximum of outstanding state bonds.

(c) Motor vehicle fuel taxes.—

(1) A tax, designated "second gas tax", of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles is hereby levied for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, 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" as referred to therein shall be distributed among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of persons holding bonds, revenue certificates and tax anticipation certificates or any refunding thereof.

(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 Article IX, Section 16, of the Constitution of 1885, as amended, except that any outstanding obligations previously issued under said Article IX, Section 16, may be refunded at a lower interest rate and a savings in cost by the issuance of refunding bonds maturing not later than the obligations refunded and secured by a pledge of the same revenue and any other security authorized in paragraph (5) of this sub-section.

(4) Subject to the requirements of paragraph (2) of this sub-section and after payment of administrative expenses, the "second gas tax" shall be allocated in the state roads distribution fund to the account of each of the several counties in amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population in accordance with the latest available federal census to the total population of the state, and one-half in the ratio of the total "second gas tax" collected on final sales in each county during the previous fiscal year to the total collected in the state. If the annual cost of debt service of any county, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this sub-section shall be administered by a state board of administration which shall have all the powers and duties of the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and the powers and duties conferred upon it by law. The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows:

eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county, or in such other proportions as provided by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used for the payment of obligations incurred pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refunding thereof, for the construction of roads as defined by law, and for the payment of debt service on bonds issued as provided by this paragraph (5) to finance road construction. When authorized by law, bonds pledging the full faith and

credit of the state may be issued to refund obligations secured by the "second gas tax" under Article IX, Section 16, of the Constitution of 1885, as amended, and to finance the construction of roads in any county when approved by the governing body of the county and the state agency supervising the state road system after a determination by a state fiscal agency created by law that the annual debt service requirements of the bonds and all other bonds payable from the "second gas tax" allocated to the county do not exceed seventy-five per cent of the motor vehicle fuel taxes allocated to that county for the preceding state fiscal year. Bonds issued pursuant to this subsection shall not be included in determining the amount of state bonds which may be issued in any year, but shall be included in determining the authorized maximum of outstanding state bonds.

(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 part of this constitution as completely as though incorporated herein verbatim.

Amendment 68-a was adopted with Senators Askew, Barron, Barrow, Broxson, Chiles, Clayton, Cross, Gibson, Griffin, Horne and O'Grady voting "Nay".

Senator Askew offered the following amendment which was adopted:

Amendment 82-a—Article XII, Section 10, Subsection (b), strike subsection (b) and insert this substantial rewording:

(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, or its successors, may be refunded as provided by law at a lower interest rate and a savings in cost by the issuance of bonds pledging the full faith and credit of the State and maturing not later than the obligations refunded, without regard to the amount of state bonds which may be issued in any fiscal year. Refunding bonds, issued under this subsection (b), shall be included in determining the authorized maximum of outstanding state bonds.

A motion by Senator Shevin failed that the Senate reconsider the vote by which Amendment 78-a was adopted.

Senator Shevin offered the following amendment to Amendment 78-a which failed:

In Section 12, following "to the several counties" strike: "and insert the following: ; provided five percent of the tax revenue may be returned to the county in which collected.

Senator Weissenborn offered the following amendment which was adopted:

Amendment 10-b—Article XII, Section 14, on page 70, beginning at line 14, strike Section 14 and insert in lieu thereof the following: (Substantial rewording)

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, as if this constitution had not been adopted, until that county shall expressly adopt a charter of home rule plan pursuant to this constitution. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, section 11 of the constitution of 1885, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, section 11, of the constitution of 1885.

On motion by Senator Mathews, the rules were waived and CS for SJR 2-4X(67) as amended was read the third time in full, as follows:

CS for SJR 2-4X(67)—A joint resolution proposing a revision of the Constitution of Florida.

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

That the following proposed revision of the Constitution of Florida, is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at an election to be called as provided by this session of the legislature:

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.

ARTICLE I

DECLARATION OF RIGHTS

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

Section 2. Basic rights.—All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend 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. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

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 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 peaceably to assemble, 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 keep and 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 the legislature.

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.

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 affidavit, 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. Ar-

ticles 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 charged with a crime 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—offenses committed by children.—

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

(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 without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before 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, upon demand, be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, to demand the nature and cause of the accusation against him, and to have a speedy and public trial by impartial 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, 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 open 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.

ARTICLE II

GENERAL PROVISIONS

Section 1. State boundaries.—The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30 degrees 16' 53" north and longitude 87 degrees 31' 06" west intersect; thence to the point where latitude 30 degrees 17' 02" north and longitude 87 degrees 31' 06" west intersect; thence to the point where latitude 30 degrees 18' 00" north and longitude 87 degrees 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 degrees

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 degrees 00' 00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31 degrees 00' 00" north, to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three (3) geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three (3) geographic miles from the Atlantic coastline and three (3) leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three (3) leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three (3) leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three (3) leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three (3) leagues from the coastline of Florida; thence northerly and westerly three (3) leagues distant from the coastline to a point west of the mouth of the Perdido River three (3) leagues from the coastline as measured on a line bearing 0 degrees 01' 00" west from the point of beginning; thence along said line to the point of beginning.

The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

The Legislature may extend the coastal boundaries 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.

Section 3. 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 4. State seal and flag.—The design of the great seal and flag of the state shall be prescribed by law.

Section 5. 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 6. 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. The legislature shall appoint an auditor to serve at its pleasure. The auditor shall conduct post-audits, performance audits, and other related duties as prescribed by concurrent resolution.

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) A regular session of the legislature shall convene on the first Tuesday after the first Monday in April of each odd-numbered year, and on the first Tuesday after the first Monday in April, or such other date as may be fixed by law, of each even-numbered 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; or otherwise as provided by law.

(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 three-fifths 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 seventy two consecutive hours 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 twenty four hours 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 that 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 proceedings, and the vote of each member voting 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 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, or both, 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 by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings and 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 sub-section. 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 of each member voting shall be entered on the 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 during or as soon as practicable after adjournment sine die of the session of the legislature.

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 consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation 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 specific appropriation 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, by a two-thirds vote, re-enact the bill or reinstate a vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation 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.—

(a) No special law or local law shall be passed unless notice of intention to seek enactment thereof has been pub-

lished in the manner provided by general law. 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.

(b) In the enactment of general laws on all subjects except those enumerated in Article III, Section 11, the legislature may classify political subdivisions and other units of local government on any basis reasonably related to the subject matter of such general laws.

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; or

(u) any subject when prohibited by general law passed by a three-fifths vote of the members elected to each house.

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

Section 14. 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 15. 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; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(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, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

(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 16. 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 thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred 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 judgement 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 judgement.

(d) Effect of judgment 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 extraordinary 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 17. 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 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.

Section 18. Conflict of interest.—A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

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 military 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, county, or municipal 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) When not otherwise provided for in this constitution he shall fill by appointment any vacancy in state or county office 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 sixty consecutive days, 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. Lieutenant governor—duties of lieutenant governor—succession to the office of governor—service as acting governor—limitation of terms governor may serve.—

(a) There shall be a lieutenant governor. The lieutenant governor shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor and such other duties as may be prescribed by law.

(b) The lieutenant governor 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 be prescribed by law. A successor shall serve for the remainder of the term.

(c) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be 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.

Section 3. 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 pre-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 as a ministerial duty subject to original mandamus.

(e) The commissioner of agriculture shall perform the duties prescribed by law relating to agriculture.

(f) The commissioner of education, in the manner prescribed by law, shall supervise the public education system.

Section 4. Election of governor, lieutenant governor and cabinet members—qualifications—length of term.—At a state-wide general election in a calendar year the number of which is even but not evenly divisible by four, the qualified electors shall choose a governor and a lieutenant 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. The lieutenant governor shall run with the governor and the electors shall cast a single ballot for governor and lieutenant governor. Any candidate for governor seeking nomination in any party primary shall, at the time he qualified therefor, file his designation of a candidate for lieutenant governor together with such candidate's acceptance and the qualification papers prescribed by law. Electors in the primary shall cast a single ballot for candidates for nomination for the office of governor and lieutenant governor. When elected, both the governor and lieutenant governor and each cabinet member must be qualified electors not less than thirty years of age and must have been citizens and residents 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 this office for the succeeding term. The attorney general must have been an attorney authorized to practice law in Florida for five years prior to election.

Section 5. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than twenty five 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) 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.

(b) 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.

Section 6. 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. The suspended officer may at any time before removal be reinstated by the governor.

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

(c) By order of the governor any elected 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 7. 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 and those where impeachment results in conviction.

(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.

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

Section 8. Game and fresh water fish commission.—There shall be a game and fresh water fish commission, composed of five members appointed by the governor for staggered terms of five years. The commission shall exercise the non-judicial powers of the state with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating regulations of the commission shall be prescribed by specific statute.

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. The jurisdiction of the courts shall be established uniformly by law except as authorized herein.

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 of 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.—

(a) 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.

(b) Jurisdiction.—

(1) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgment or order 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.

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

(3) 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 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. 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 inhabitants, 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, unless that court shall be abolished, and not re-established, by vote of the electors pursuant to law. Magistrates courts districts may be consolidated or changed by law.

(b) Number of judges. There shall be one or more judges for each magistrates court, as provided by law, or a magistrates court may be presided over by the county judge in any county when provided by law.

(c) Jurisdiction. The judges of magistrates courts shall perform such duties and exercise such jurisdiction as shall be prescribed by 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, and if elected then by the electors within the county or counties in which their respective divisions have jurisdiction. 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.—

The governor shall fill each vacancy in judicial office by appointing one of not fewer than three persons nominated by ju-

dicial nominating commissions appointed by the governor and established 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 the same manner as other state and county officers are elected; provided that justices and judges may be elected in non-partisan 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. Upon 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) This section shall be cumulative to the power of impeachment.

(g) 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 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 adequacy and care of public property and facilities, 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. Salaries of state attorneys and assistant state attorneys shall be payable from state funds and fixed by law. Salaries payable from state funds shall not be supplemented by any county or municipality.

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 nineteen 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 nineteen 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.

(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) County officers. Except as otherwise provided by county charter or referendum, there shall be elected by the qualified electors for a term of four (4) years a clerk of the circuit court, a sheriff, a tax assessor, a tax collector and a supervisor of elections, and a constable who shall be elected by the qualified electors of each magistrates district in each county having justice of the peace districts on the effective date of this constitution. Their powers, duties, and qualifications, except as provided in a county charter, shall be as prescribed by law. The office of constable may be established or abolished by law, subject to referendum. The clerk of the circuit court shall also be the clerk of the board of county commissioners, recorder, have the care and custody of all county funds, and a method of reporting and paying out of such funds shall be provided 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 residing in 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.—In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed 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 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. By special law a consolidation plan may be proposed which shall become effective only if approved by vote of 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 preexisting 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.—By law or by resolution of the governing bodies of each of the governments affected, 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. 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 shall be pre-empted to the state except as provided 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. Taxes—rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit except:

(a) 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.

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

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

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

(e) 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 3. Taxation—assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value.

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. Homestead exemption.—

(a) Every person who has the legal, equitable or beneficial title to real property in this state and in good faith makes the same his or her permanent residence or the permanent residence of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of five thousand dollars on said residence and contiguous real property not to exceed in extent one hundred sixty acres of land or half of one acre within the limits of any incorporated city or town, upon claim therefor and establishment of right thereto in a manner prescribed by law.

(b) Said title to such real property may be held by the entireties, jointly, in common with others, by condominium or cooperative ownership, by ownership of stock in a corporation holding title thereto, or by a leasehold initially for a period of more than ninety-eight years and each owner residing thereon shall be entitled to exemption not to exceed five thousand dollars or such portion thereof as his interest bears to the assessed valuation of the real property.

(c) Not more than one exemption shall be allowed to any one person or family unit nor on any one residence unit.

(d) Real estate maintained as a bona fide permanent home for an owner who has been a resident of the state for at least five years and is either aged sixty-five or over or totally disabled, as defined by law, shall be exempt from taxation, except assessments for special benefits, to the extent of ten thousand dollars of assessed value. The amount of the exemption may be increased by law when the owner has a service connected one hundred per cent (100%) disability rating for compensation.

Section 6. Aid to local governments.—State funds may be appropriated to the several counties, school boards, municipalities or special districts upon such conditions as may be provided by general law.

Section 7. Local taxes.—

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

(b) Ad valorem taxes shall not be levied in excess of the following millages on the dollar of assessed value for the following purposes: For all county purposes, including special taxing districts lying wholly within a county, ten mills; for all municipal purposes, ten mills; and for all school purposes, ten mills; except taxes levied for the payment of principal of and interest upon bonds and taxes levied for periods not longer than two years when authorized by vote of the owners of freeholds not wholly exempt from taxation. A county furnishing municipal services in unincorporated areas may, to the extent authorized by law, levy therein additional taxes within the limits fixed for municipal purposes.

Section 8. 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.

This shall not prohibit any port authority operating a maritime port or an airport to issue and sell industrial revenue bonds to finance or refinance the cost of the necessary capital project for port authority purposes, which shall be payable solely from funds derived from the revenues of such capital projects to be constructed and owned by any such port authority and operated by such port authority or leased by such port authority to any private corporation, association, partnership or person; provided that the properties acquired hereunder

and the operation thereof when occupied or operated privately shall be subject to taxation to the same extent as privately owned property and operation.

Section 9. State 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, upon approval by a majority of the votes cast in a state election held for such purpose; provided however, that bonds may be issued to refund presently outstanding revenue bonds or certificates of the state or its agencies without approval of the voters as provided by law.

(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 10. Local bonds.—Counties, district school boards, municipalities, and special districts may issue bonds or any form of tax anticipation certificates or certificates of indebtedness maturing more than twelve months after issuance 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.

Section 11. 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.

Section 12. Allocation of pari-mutuel taxes.—Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. Any part allocated to the counties shall be distributed in equal amounts to the several counties.

ARTICLE IX

EDUCATION

Section 1. System of public education.—Adequate provision shall be made by law for a uniform system of public education which shall include public educational institutions and programs, public community junior colleges, public colleges and universities, and free public schools.

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 the system of public education as provided by law.

Section 3. Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

Section 4. School districts—school boards.—

(a) Each county shall constitute a school district; provided that two or more contiguous counties may be combined by law into one school district. In each school district there shall be a school board composed of five or more members elected by the electors of the school district for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all public schools within the school district and determine the rate of school district taxes. Two or more school districts may, with an affirmative vote of the electors of each district, operate and finance joint educational programs.

(c) One or more contiguous school districts may jointly operate a community junior college when authorized by law.

(d) Special districts composed of one or more contiguous counties to operate community junior colleges may be established under such governance and having such powers as provided by law.

Section 5. Superintendent of schools.—In each 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 school district, or in the case of counties, each of which has an appointive superintendent, combined into a school district under section 4(a) hereof, the superintendent of schools shall not be commissioned by the governor but shall be appointed by and serve at the pleasure of the school board provided that the board may enter into a contract of employment with such superintendent which contract shall not extend beyond the thirtieth day of June in the year in which the terms of a majority of the members of the school board shall expire. The local law may be repealed, subject to referendum in the school district, only after it has been in effect for three years. The powers and duties of the superintendent of schools shall be prescribed by law.

Section 6. The state school fund shall remain inviolate and the income derived therefrom shall be exclusively applied to the support and maintenance of free public schools, 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 four 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.—

(a) Separate property not subject to husband's debts.—All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing.

(b) Equitable charges, sequestration; debts.—A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestered for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon with her knowledge and consent.

(c) Legislature to enact laws to enforce article.—The legislature shall enact such laws as shall be necessary to carry into effect this Article.

Section 5. Eminent domain.—

(a) No private property or right of way shall be taken or damaged except for a public purpose and without full 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) After judicial determination of necessity, 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 withdraw from the registry of the court the amount found by the court to be fair and reasonable, 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 rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another.

Section 6. Lotteries.—Lotteries, other than pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

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. Sovereignty lands.—The title to lands within the borders of this state under navigable waters, including the shores on or space between ordinary high and low water marks, is held by the state, by virtue of its sovereignty, in trust for all the people, and limited disposition of portions of such lands, or the use thereof, may be made by the state only when such limited disposition is not contrary to the public interest. The legislature shall enact such legislation as shall be necessary to provide procedures and conditions for such limited disposition.

Section 11. 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.
- (g) "Special law" means a special or local law.

Section 12. Sovereign immunity.—Sovereign immunity from liability in tort or contract shall not exist, provided however, the legislature may provide by general law for the method and procedure of bringing suits against the state or any public body therein.

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 vote of each member voting 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 of general circulation 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 provision 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 Article IX, Section 17, or Article XII, Section 19 of the Constitution of 1885, as amended.

(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, or its successors, may be refunded as provided by law at a lower interest rate and a savings in cost by the issuance of bonds pledging the full faith and credit of the State and maturing not later than the obligations refunded, without regard to the amount of state bonds which may be issued in any fiscal year. Refunding bonds, issued under this subsection (b), shall be included in determining the authorized maximum of outstanding state bonds.

(c) Motor vehicle fuel taxes.—

(1) A tax, designated "second gas tax", of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles is hereby levied for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, 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" as referred to therein shall be distributed

among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of persons holding bonds, revenue certificates and tax anticipation certificates or any refunding thereof.

(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 Article IX, Section 16, of the Constitution of 1885, as amended, except that any outstanding obligations previously issued under said Article IX, Section 16, may be refunded at a lower interest rate and a savings in cost by the issuance of refunding bonds maturing not later than the obligations refunded and secured by a pledge of the same revenue and any other security authorized in paragraph (5) of this sub-section.

(4) Subject to the requirements of paragraph (2) of this sub-section and after payment of administrative expenses, the "second gas tax" shall be allocated in the state roads distribution fund to the account of each of the several counties in amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population in accordance with the latest available federal census to the total population of the state, and one-half in the ratio of the total "second gas tax" collected on final sales in each county during the previous fiscal year to the total collected in the state. If the annual cost of debt service of any county, secured under paragraph (2) of this sub-section, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this sub-section shall be administered by a state board of administration which shall have all the powers and duties of the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and the powers and duties conferred upon it by law. The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county, or in such other proportions as provided by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used for the payment of obligations incurred pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refunding thereof, for the construction of roads as defined by law, and for the payment of debt service on bonds issued as provided by this paragraph (5) to finance road construction. When authorized by law, bonds pledging the full faith and credit of the state may be issued to refund obligations secured by the "second gas tax" under Article IX, Section 16, of the Constitution of 1885, as amended, and to finance the construction of roads in any county when approved by the governing body of the county and the state agency supervising the state road system after a determination by a state fiscal agency created by law that the annual debt service requirements of the bonds and all other bonds payable from the "second gas tax" allocated to the county do not exceed seventy-five per cent of the motor vehicle fuel taxes allocated to that county for the preceding state fiscal year. Bonds issued pursuant to this sub-section shall not be included in determining the amount of state bonds which may be issued in any year, but shall be included in determining the authorized maximum of outstanding state bonds.

(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 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 magistrate's 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 judicial office on June 30, 1957, shall be subject to retirement from judicial office pursuant to Article V, section 14 (e).

(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.

(h) Clerks of court. After the effective date of this constitution, clerks of court shall continue to serve as follows:

(1) Except as hereinafter provided, the clerks of the circuit court will continue to serve in such offices in their respective counties.

(2) In counties having fewer than one hundred thousand population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as clerks of the county courts in their respective counties.

(3) Except as hereinafter provided, in counties having in excess of one hundred thousand population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as deputies to the clerks of the circuit court in their respective counties.

(4) In Escambia County, there is created the office of county clerk, which officer shall also be the clerk of the board of county commissioners, county recorder, and ex officio auditor and perform duties prescribed by law. The person holding the office of clerk of the circuit court on the effective date of this constitution shall be the county clerk for the remainder of the term for which he was appointed or elected.

(5) In Escambia County there shall be the office of clerk of the circuit court, which officer shall also serve as clerk of the magistrate court and perform duties prescribed by law. The person holding the office of the clerk of the court of record of Escambia County on the effective date of this constitution shall be the clerk of the circuit court for the remainder of the term for which he was appointed or elected.

Section 12. Ordinance.—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, as if this constitution had not been adopted, until that county shall expressly adopt a charter of home rule plan pursuant to this constitution. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, section 11 of the Constitution of 1885, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, section 11, of the Constitution of 1885.

Section 15. Dade county—powers conferred upon municipalities.—To the extent not inconsistent with the powers of existing municipalities or general law the Metropolitan Government of Dade county may exercise all the powers conferred now or hereafter by general law upon municipalities.

Section 16. Senators.—The requirements of staggered terms of senators in Section 16 of Article III of this con-

stitution shall apply only to senators elected in November, 1972, and thereafter.

Section 17. Legislative apportionment.—The requirements of legislative apportionment in section 16 of Article III of this constitution shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

Section 18. Sovereign immunity; effective date.—Article X, Section 11 of this constitution shall be effective only as to liabilities arising on or after October 1, 1969.

Section 19. Effective date.—This constitution shall become effective at 12:01 o'clock A.M. Eastern Standard Time, November 15, A.D. 1967.

—and passed by the required Constitutional three-fifths vote of all members elected to the Senate. The vote was:

Yeas—36

Mr. President	Fincher	Knopke	Slade
Askew	Friday	Lane	Spencer
Bafalis	Gong	McClain	Stockton
Boyd	Griffin	Mathews	Stone
Broxson	Gunter	Ott	Thomas
Chiles	Henderson	Plante	Weber
Clayton	Hollahan	Poston	Weissenborn
Cross	Horne	Sayler	Wilson
Elrod	Johnson	Shevin	Young

Nays—8

Barrow	Deeb	Gibson	Reuter
Bell	Fisher	O'Grady	Stolzenburg

CS for SJR 2-4X(67) was ordered engrossed.

PAIRS

The following Pairs were announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Haverfield on CS for SJR 2-4X(67). If he were present he would vote "Yea" and I would vote "Nay."

DEMPSEY J. BARRON, 4th District

I am paired with Senator de la Parte, on CS for SJR 2-4X(67). If he were present he would vote "Yea" and I would vote "Nay."

L. K. EDWARDS, JR., 13th District

Senator Mathews pointed out that Article XII as passed by the Senate is incomplete and must of necessity be incomplete until final action by both the House and Senate on the first eleven articles so that the Schedule can be consistent therewith.

EXPLANATION OF VOTE

The decision to vote against the work product of so many months' labor of so many capable and dedicated public servants, as represented by the Constitutional Revision has not been an easy one. Since that decision is contrary to the majority of this Senate, an explanation of vote is indicated.

Whereas it is granted that the product is an improvement over the existing constitution of 1885, so would a technical rewrite of that constitution be an improvement, and this could have been accomplished by a small technical committee at much saving of tax payers' money and legislators' time and efforts.

The fine point of decision here is that it was the charge to this Legislature to draft a Constitutional Revision that would serve as a governmental foundation for this State for the next 100 years, not merely to draft a document which conforms to that system under which we have been operating in the past.

This state of Florida is one of the fastest growing and most rapidly developing states of the union, and demands a constitution which will allow us to realize fully all of our great potential. This present revision does not permit this.

Specifically, we have done little to increase the effectiveness of the executive branch. Instead we have perpetuated our unique and antiquated cabinet system of a multiple executive with resultant diffusion of responsibility. Whereas a Lieutenant Governor is proposed, he is not permitted to preside over the Senate as is common practice, nor even be a member of the Cabinet. He and the Governor are limited to 2 terms, whereas the other

executive officers can succeed themselves as long as they choose to run. In the executive article, commissions are written in more for political considerations than for order or system.

In the legislative article, whereas annual sessions are provided there has been little improvement in legislative visibility or efficiency.

The finance and taxation article is totally unrealistic, denying the Legislature all the tools necessary for financing a state as large and progressive as Florida. This article perpetuates the financial practice of government by crisis, and will require constitutional amending before another decade passes. Little protection is afforded the homeowner and special interests are protected. In regard to revenue bond financing, the hands of the State remain tied.

In the educational article, there is no provision for fluidity of legislative action necessary in this rapidly developing field. The various boards and their composition are set in constitutional cement, in what is the largest as well as most changing area of our State Government.

As a citizen I shall vote for this new constitution because it is an improvement, and a very expensive improvement over the one of 82 years ago. As an elective representative of the people charged to bring to the vote of the citizenry a forward looking, progressive, impartial document worthy of the legislative time and money spent by these citizens, I cannot in good conscience vote in favor of what I consider a product that falls so far short of the commission this Legislature was given.

Perhaps I have failed in not being more persuasive in regard to the many amendments I sponsored which failed of adoption, if such is so, I certainly cannot excuse this failure by voting for an inferior document.

JOHN J. FISHER, M.D., 10th District

On motion by Senator Mathews, the Senate reverted to the consideration of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read and by the required Constitutional two-thirds vote of the Senate, the bills contained therein were admitted for introduction and consideration:

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

By Representative Singleton and others—

HCR 16-XXXX(67)—A concurrent resolution commending Gene Plowden for his book, *Those Amazing Ringlings and Their Circus*.

WHEREAS, the Ringling Circus is uniquely an institution of the State of Florida. "Ringling" and "Florida" were intertwined worldwide in the years after the circus established winter quarters in Florida, and now the State proudly possesses the mansion and museum built and furnished by John and Mable Ringling, and

WHEREAS, what Floridians and visitors see with delight as show places have a background which many long have felt would make fascinating reading. Now, finally, that history has been written by the reporter very likely the best equipped, by training, by interest, and by residence, to perform that monumental task, and

WHEREAS, that reporter is Gene Plowden and his book is *Those Amazing Ringlings and Their Circus*, and

WHEREAS, Plowden's love of the circus, like his writing career, began as a boy. Born on a farm in Clarendon County, South Carolina, he started writing for the *Manning Times* at the age of twelve. His earliest success was a first prize of five dollars in gold in a statewide contest sponsored by the United Daughters of the Confederacy. The subject was "England's Part in the War between the States", and

WHEREAS, he attended Clemson Agricultural College (now Clemson University) and received his B.S. degree in 1924. While

in college, he continued writing for the Manning Times, was associate editor of the College magazine, and president of the Newspaper Correspondents' Club, and

WHEREAS, After a year of travel in the merchant marine, he worked on newspapers in Charleston and Summerville, South Carolina; in Sebring, Wauchula, and Sarasota, Florida. As sports editor and feature writer on the Sarasota Daily Tribune, he had an unusual opportunity to study the Ringling Circus and to renew an acquaintance and friendship with John Ringling, the last of the five founding brothers, who had moved the winter quarters to Florida, and

WHEREAS, following five years with the United Press, Plowden went into the Navy in 1943. After his discharge, he joined the Associated Press at Miami in January, 1946, and has been there ever since, and

WHEREAS, Plowden's wonderful chronicle depicts how the five Ringlings advanced from a struggling little "Carnival of Fun" in the mud to the climatic 1920's and 1930's when their circus moved aboard a hundred double-length steel railroad cars, and

WHEREAS, as a reporter Plowden had an unusual opportunity to cultivate friendships with circus people; eat in the cookhouse, ride on the trains, and prowl through winter quarters to learn of the whole complex operation. Besides, he had access to reams of circus material. And one of his best sources was the late Roland Butler, a longtime friend who was head of the Ringling press department for more than thirty years, and

WHEREAS, to see Gene Plowden's eyes sparkle and his voice assume a ring of authenticity that silences others, you have only to talk with him about the circus of the Ringling Brothers. Or, for that matter, about any of the great showmen. A modest man, Plowden rarely echoes the claim made by his friends that he is one of the foremost authorities on that scintillating family that produced the greatest showmen on earth—the Ringlings, NOW, THEREFORE,

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

That the Legislature express its gratitude to Gene Plowden for making a permanent, authentic record of an institution and of the years which have meant and will continue to mean much to the people of Florida.

Be It Further Resolved, that a copy of this concurrent resolution be signed by the Speaker and Clerk of the House of Representatives and by the President and Secretary of the Senate and that such copy bearing the seal of the State of Florida be transmitted to Mr. Plowden as a continuing reminder of the Legislature's appreciation of his efforts.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 16-XXXX(67), contained in the above message, was read the first time in full. On motion by Senator Henderson, the rules were waived and HCR 16-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope September 1, 1967
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

By Representative Baker and others—

HCR 33-XXXX(67)—A concurrent resolution expressing deep sympathy and regret over the passing of Walter E. Rountree.

WHEREAS, the legislature of the State of Florida is sadly conscious of the tragic loss to the public and the insurance industry in the recent passing of Walter E. Rountree, General Counsel for the State Treasurer and Insurance Commissioner, and

WHEREAS, Walter E. Rountree exemplified the highest type of public service as a career employee for the state during his

tenure as General Counsel to the State Treasurer and Insurance Commissioner and prior to that in his service with the Florida Industrial Commission, and

WHEREAS, he consistently demonstrated a keen understanding of the problems with which he was challenged in his duties as General Counsel to the State Treasurer and Insurance Commissioner, and

WHEREAS, he had a profound knowledge of the insurance industry and the administrative responsibilities of the State Insurance Commissioner's Office which made him a valuable Legal Consultant, and

WHEREAS, in all of his professional and personal relations he demonstrated ready wit and a healthy humor which endeared him to his associates and friends, and

WHEREAS, his assistance, advice and counsel which he offered for the benefit of the State of Florida, will be greatly missed, NOW, THEREFORE,

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

That all members of the Legislature express their sincere sorrow over the passing of Walter E. Rountree and wish to record their deepest sympathy to his widow, Mrs. Helen Rountree, and other surviving relatives. Be It Further Resolved that this Resolution be recorded in the records of the House of Representatives and the Senate of the State of Florida, and that a copy be delivered to the family.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 33-XXXX(67), contained in the above message, was read the first time in full. On motion by Senator Horne, the rules were waived and HCR 33-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope September 1, 1967
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

By Representative Rust and others—

HCR 29-XXXX(67)—A concurrent resolution recognizing and commending the long and dedicated service of Mr. Reeves Bowen, Assistant Attorney General.

Whereas, the Honorable Reeves Bowen has been a distinguished member of the Florida bar for more than forty-two years, having graduated from the University of Florida College of Law in 1925, and

Whereas, Mr. Bowen served the citizens of Washington County as County Judge from 1940 to 1944, and

Whereas, Judge Bowen has been Director of the Criminal Appeals Division of the Attorney General's Office since 1945, having served under four Attorneys General, and

Whereas, Judge Bowen has been recognized by the members of the press with the 1956 Kilgore Award and by his colleagues in the Florida Prosecuting Attorneys Association with the 1962 Furtherance of Justice Award, and

Whereas, Judge Bowen has always shared the wisdom of his experience with the Legislature and recently rendered long hours and invaluable assistance to the members of the 1967 Florida Legislature, especially in the preparation of anti-crime legislation, Now, Therefore,

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

Section 1. That Mr. Reeves Bowen, Assistant Attorney General, is hereby honored and commended for his outstanding and dedicated service to the citizens of the State of Florida and

to the members of the 1967 Florida Legislature, and that our lasting gratitude is hereby expressed.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 29-XXXX(67), contained in the above message, was read the first time in full. On motion by Senator Chiles, the rules were waived and HCR 29-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

By Representative Sweeny—

HCR 62-XXXX(67)—A concurrent resolution recognizing Fred M. Burns and commending him for nearly three decades of dedicated government service.

WHEREAS, Assistant Attorney General Fred M. Burns has for twenty-eight years generously and willingly given aid, counsel and advice to members of the legislative, judicial and executive branches of government, and

WHEREAS, Fred Burns' knowledge of practical administration in government has earned for him the respect of the bench and bar alike, and

WHEREAS, he is highly regarded as an expert on constitutional law and singlehandedly drafted much of the state law in the areas of finance and taxation, and

WHEREAS, he has been a strong advocate on behalf of the state in the highest courts of the land and is credited with winning many important cases including the Tidelands case which will ultimately return millions of dollars in tax revenue to Florida and all the gulf coast states, and

WHEREAS, Fred M. Burns was recently recognized by the Cabinet as a mainstay of the Attorney General's Office under five different Attorneys General, and

WHEREAS, Fred Burns is characterized as a "walking encyclopedia" of the law and is in every respect a "lawyer's lawyer", NOW, THEREFORE,

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

Section 1. That Fred M. Burns is hereby recognized for nearly three decades of dedicated public service for the people of the State of Florida and the Legislature commends this outstanding Floridian for his generous, exceptional and untiring contributions.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 62-XXXX(67), contained in the above message, was read the first time in full. On motion by Senator Horne, the rules were waived and HCR 62-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

By Representative Reeves and others—

HCR 61-XXXX(67) A concurrent resolution expressing appreciation for the contributions of Reinhardt Holm to his fellow men and expressing the deepest regret over his untimely passing.

WHEREAS, the passing of Reinhardt Holm brought sadness and profound grief into the hearts of all those who had the privilege of knowing him, and

WHEREAS, he was a natural leader of men and proved himself as such in the fields of government, business, the church and community life, and

WHEREAS, Reinhardt Holm was the personification of Abraham Lincoln's immortal words: "I like to see a man proud of the place in which he lives, and I like to see a man live so that his place will be proud of him.", and

WHEREAS, Reinhardt Holm was a native of Pensacola, serving on the City Council of that city and, at the time of his passing, as Mayor, and

WHEREAS, in 1951 he was named as "Outstanding Young Man of Escambia County" by the Pensacola Junior Chamber of Commerce, and the following year was named one of the five outstanding young men in the state of Florida by the state organization, and

WHEREAS, in 1951, he was elected to the first of three terms as a City Councilman, and

WHEREAS, a partial list of the organizations which he served, and the honors which came to him, includes the American Legion Auxiliary Crippled Children's Home Operating Board, former commander of the American Veterans of World War II, director and president-elect of the Greater Pensacola Chamber of Commerce, vice president of the YMCA, member of the Escambia County Civil Service Board, member of Immanuel Lutheran Church, Navy League, and director of the Pensacola Jaycees, and

WHEREAS, he also served as president of the Kiwanis Club and in 1966 he was the recipient of the Kiwanis Club's Civic Award of the year, and

WHEREAS, two of his most significant contributions were his service as chairman of the Pensacola Historical Advisory Committee, and chairman of the Local Government Study Commission, and

WHEREAS, Reinhardt Holm rose from office boy at the Pensacola Home and Savings Association to become the president of that organization, and

WHEREAS, Reinhardt Holm climaxed his career by being chosen Mayor of the City of Pensacola, although not a member of its City Council, and

WHEREAS, this is the public history of a man dedicated to his community and fellow man, NOW, THEREFORE,

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

That on behalf of all the people of the State of Florida, this Legislature does hereby express gratitude for the brief but full life of Reinhardt Holm and its deepest sense of regret, sorrow and loss at his death.

BE IT FURTHER RESOLVED that a copy of this Resolution, signed by the Speaker of the House of Representatives and the President of the Senate, be delivered to the family of the late Reinhardt Holm.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 61-XXXX(67), contained in the above message, was read the first time in full. On motions by Senator Askew, the rules were waived and HCR 61-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative E. M. Fortune and others—

HB 45-XXXX(67)—A bill to be entitled An act relating to compensation of county officials, superintendent of public instruction; amending section 145.08(57), Florida Statutes, as amended by chapter 67-576, to provide for compensation of the superintendent of public instruction; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 45-XXXX(67), contained in the above message, was read the first time by title. On motion by Senator Broxson, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Broxson to take up HB 45-XXXX(67) out of order.

On motions by Senator Broxson, the rules were waived and HB 45-XXXX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Saylor	

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representatives Crabtree and McKinley—

HB 18-XXXX(67)—A bill to be entitled An act relating to superintendents of public instruction; amending section 145.08 (58), Florida Statutes, as amended by chapter 67-576, to restore an item inadvertently omitted from the enrolled bill; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 18-XXXX(67), contained in the above message, was read the first time by title. On motion by Senator Henderson, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Henderson to take up HB 18-XXXX(67) out of order.

On motions by Senator Henderson, the rules were waived and HB 18-XXXX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Saylor	

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed as amended—

By Representatives Schultz and Randell—

HB 27-XXXX(67)—A bill to be entitled An act relating to the trustees of the internal improvement fund; amending sections 253.02 and 253.03, Florida Statutes, as amended by chapter 67-269, to increase the number of trustees and redefine their powers and duties; repealing section 253.50, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 27-XXXX(67), contained in the above message, was read the first time by title. On motion by Senator Friday, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Friday to take up HB 27-XXXX(67) out of order.

On motions by Senator Friday, the rules were waived and HB 27-XXXX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Saylor	

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

August 31, 1967

Sir:

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

By Representatives Turlington and Rowell—

HCR 43-XXXX(67)—A concurrent resolution concerning sine die adjournment.

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

Section 1. That the time for adjournment sine die of the Florida Legislature, 1967 Extraordinary Session, convened on August 21, 1967, be and the same is hereby fixed at the hour of 12:00 o'clock midnight Friday, September 1, 1967.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 43-XXXX(67), contained in the above message, was read the first time in full. On motions by Senator Mathews, the rules were waived and HCR 43-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

The Honorable Verle A. Pope
President of the Senate

September 1, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Elmore and others—

HB 11-XXXX(67)—A bill to be entitled An act repealing Chapter 61-665 Special Acts of 1961 Florida legislature, relating to commissions received by tax assessors; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 11-XXXX(67), contained in the above message, was read the first time by title. On motion by Senator Barrow, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Barrow to take up HB 11-XXXX(67) out of order.

On motions by Senator Barrow, the rules were waived and HB 11-XXXX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Saylor	

The bill was certified to the House.

Senator Mathews moved that the President appoint a Special Select Committee to examine into such executive appointments and suspensions as may be received by the Senate when not in session, and to report its findings thereon to the Senate upon its next convening. The motion was adopted.

Senator Boyd moved that the President appoint a Select Committee on Education to work in conjunction with a like Committee on the part of the House. The motion was adopted.

On motion by Senator Mathews, the rules were waived and the Senate reverted to the order of receiving reports of Committees.

By direction of the President, the Secretary of the Senate read the following—

**REPORT OF SELECT COMMITTEE PURSUANT TO
RULE 15.2**

Senator Verle A. Pope August 31, 1967
President, the Florida Senate
The Capitol

Dear Mr. President:

Your Select Committee appointed on August 31, 1967, pursuant to Senate Rule 15.2, to make inquiry in regard to the following appointment which was on August 30, 1967, submitted by the Governor for confirmation by the Senate:

Judson J. Chalmers, member, State Road Board, District Two, succeeding Harry R. Gonzalez, resigned. His term ends June 30, 1969.

having met, and after full inquiry, hereby tender as the recommendation of this Select Committee that the Senate advise and consent to the aforesaid appointment made by the Governor.

Respectfully submitted,
WILLIAM T. STOCKTON, JR.
11th District
JOHN J. FISHER
10th District
TOM SLADE
9th District
JOHN E. MATHEWS, JR.
8th District
VERLE A. POPE
12th District

On motion by Senator Mathews, the Report of the Select Committee was adopted and the Senate advised and consented to the appointment by the Governor of Judson J. Chalmers. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Saylor	

On motion by Senator Edwards, the rules were waived and the Senate reverted to the order of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions.

By the required Constitutional two-thirds vote of the Senate the following bill was admitted for introduction and consideration:

INTRODUCTION

By Senator Edwards—

SB 12-4X(67)—A bill to be entitled An act relating to the state road department, highway designation; naming a portion of state road 40 as the "Ray & Davidson highway"; authorizing the state road department to affix markers on said highway; providing an effective date.

Was read the first time by title. On motion by Senator Edwards, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Edwards to take up SB 12-4X(67) out of order.

On motions by Senator Edwards, the rules were waived and SB 12-4X(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Horne	Shevin
Askew	Edwards	Johnson	Slade
Bafalis	Elrod	Knopke	Spencer
Barron	Fincher	Lane	Stockton
Barrow	Fisher	McClain	Stolzenburg
Bell	Friday	Mathews	Stone
Boyd	Gibson	O'Grady	Thomas
Broxson	Gong	Ott	Weber
Chiles	Griffin	Plante	Weissenborn
Clayton	Gunter	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Saylor	

The bill was certified to the House.

By permission the following report was received:

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred CS for SJR 2-4X(67) reports that the Senate amendments have been incorporated and the Joint Resolution is returned herewith.

EDWIN G. FRASER
SECRETARY OF THE SENATE

The Joint Resolution was certified to the House.

On motion by Senator Mathews, at the hour of 3:20 p.m., the President sounded the gavel and declared the Senate in 1967 Special Session convened on August 21, 1967, adjourned sine die.

REGISTRATIONS UNDER SENATE RULE TWELVE
FROM AUGUST 28 THROUGH SEPTEMBER 1

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Daly, Ronald O. 1201 16th St., N.W. Washington, D. C. 20036 ...	Fla. Education Assn. Tallahassee	Session	Education	None
Ferguson, James R., Jr. 10015 SW 166 St. Miami	Fla. Education Assn. Tallahassee	Session	Education	None
Green, George S. 1705 Murchison Dr. Burlingame, Calif.	Fla. Education Assn. Tallahassee	Session	Education	None
Sorensen, Lawrence P. 1419 9th Ave., S.E. Rochester, Minnesota	Fla. Education Assn. Pensacola St. Tallahassee	Session	Education	None
Thurston, James P. 5613 Broadmoor St. Alexandria, Va.	Fla. Education Assn. Pensacola St. Tallahassee	Session	Education	None