

JOURNAL OF THE SENATE

Wednesday, June 26, 1968

The Senate was called to order by the President Pro Tempore at 9:30 a.m. A quorum present—46:

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

Excused: Senators Spencer and Broxson.

Prayer by Senator Louis de la Parte, Jr.:

Our Father, bless the deliberations of this body with wisdom and foresight and its deeds with courage and integrity. May we act as men devoted to the good of all our people and this great state. May the laws we enact preserve both the human and material treasures of our community, and as lawmakers, may we use our power with purpose to secure both liberty and justice for all. Amen.

The Journal of June 25 was corrected and approved as follows:

Page 53, column 1, strike line 7 and insert poses

The Journal of June 24 was further corrected and approved as follows:

Page 27, counting from the bottom of column 2, line 4, strike "12" and insert 11

UNFINISHED BUSINESS

SJR 2-2X—A joint resolution proposing a revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII.

Was taken up, together with Amendment 1 to Article X, which was pending consideration at the hour of adjournment on June 25.

By permission, Senator Mathews withdrew Amendment 1.

Consideration of Amendment 2 was deferred.

Senator Stolzenburg offered the following amendment:

Amendment 3—Article X, strike entire section 7 and insert in lieu thereof: Lotteries—Lotteries, including games of chance, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

Senator Deeb offered the following amendment to Amendment 3 which failed: Strike "including" and insert excluding

Amendment 3 failed.

Senator Poston offered the following amendment which was adopted:

Amendment 4—Article X, Section 6, page 40, beginning at line 13, strike all of sections (a), (b), and (c), and insert in lieu thereof the following:

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

AND:

"(d)" shall be renumbered as (b).

The President presiding.

The vote was:

Yeas—25

Bafalis	Griffin	Lane	Stolzenburg
Barrow	Gunter	Ott	Stone
Boyd	Henderson	Plante	Weber
Cross	Hollahan	Poston	Young
Elrod	Horne	Reuter	
Fincher	Johnson	Sayler	
Gibson	Knopke	Slade	

Nays—14

Mr. President	Clayton	McClain	Weissenborn
Askew	Deeb	Mathews	Wilson
Bell	Gong	Shevin	
Chiles	Haverfield	Stockton	

Senator Mathews offered the following amendment which was adopted:

Amendment 5—Article X, Section 13, page 42, beginning at line 29: strike entire Section 13 and insert in lieu thereof the following:

Section 13. *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 XII

Senator Mathews offered the following amendment which was adopted:

Amendment 1—Article XII, Section 9, Subsection (e), page 55, beginning at line 1:

(e) *DEBT LIMITATION.* Bonds issued pursuant to this [Section 10] *Section 9* of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 10, Article VII, of this constitution.

Senator Henderson offered the following amendment which was adopted:

Amendment 2—Article XII, Section 2, strike entire Section 2 and renumber the remaining sections.

ARTICLE I

Senators Slade, Young, Bafalis, Stolzenburg, O'Grady, Elrod and Deeb offered the following amendment which was adopted on motion by Senator Slade:

Amendment 4—Article I, Section 20, page 5, line 16, following "comfort" insert: or inciting the populace to riot for the purpose of overthrowing the government of the state or any of its political subdivisions

ARTICLE II

Senator Weissenborn offered the following amendment which failed:

Amendment 1—Article II, Section 2, page 7, line 30, after the words "be held" add a "," and the following words "except that the Legislature shall have the right to hold its sessions in a place in this state other than in the City of Tallahassee and in the County of Leon."

Senator Wilson offered the following amendment which failed:

Amendment 2—Article II, Section 6, page 9, beginning at line 11, rewrite as follows:

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.

Senator Weissenborn offered the following amendment which failed:

Amendment 3—Article II, Section 2, page 7, line 25, Strike all of Section 2 and insert the following in lieu thereof:

Section 2. *Seat of Government.*—

The seat of government shall be and remain at the City of Tallahassee, in the county of Leon, until otherwise located by a majority vote of the Legislature, and by a majority vote of the people.

Senators Saylor, Deeb, Young, Wilson, Johnson, Barron and Fincher offered the following amendment:

Amendment 4—Article II, following Section 6, page 9, beginning at line 22, add the following:

Section 7. *NATURAL RESOURCES AND SCENIC BEAUTY.*—

(a) The policy of the state shall be to conserve and protect its natural resources and scenic beauty. The legislature, in implementing this policy, shall adequately provide for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the conservation and regulation of water resources.

(b) The legislature shall also provide for the acquisition and dedication of structures, lands, and waters, which because of their natural beauty, wilderness character, or geological, ecological or historical significance shall be preserved and administered for the use and enjoyment of the people. Properties so dedicated shall constitute the state nature and historical preserve and they shall not be taken or disposed of except by law enacted by a regular session of the legislature.

The President Pro Tempore presiding.

Senator Shevin offered the following amendment to the amendment which was adopted:

In the amendment, strike: "enacted by a regular session of the legislature"

The President presiding.

On motion by Senator Deeb, the amendment as amended was adopted. The vote was:

Yeas—30

Mr. President	Fincher	Lane	Stolzenburg
Bafalis	Fisher	Ott	Stone
Barron	Gong	Plante	Thomas
Barrow	Gunter	Poston	Weissenborn
Bell	Henderson	Reuter	Wilson
Deeb	Hollahan	Saylor	Young
de la Parte	Johnson	Shevin	
Elrod	Knopke	Slade	

Nays—11

Askew	Cross	Horne	Stockton
Boyd	Gibson	Mathews	Weber
Chiles	Griffin	O'Grady	

ARTICLE III

Senator Shevin offered the following amendment:

Amendment 3—Article III, Section 16, page 18, beginning at line 14, strike "one hundred twenty" and insert one hundred

The President Pro Tempore presiding.

On motion by Senator Shevin, the amendment was adopted.

On motion by Senator Mathews, the Senate recessed at 11:20 a.m.

The Senate was called to order by the President at 11:35 a.m. A quorum present.

The President Pro Tempore presiding.

The Senate resumed consideration of SJR 2-2X.

Senator Deeb offered the following amendment which failed:

Amendment 4—Article III, Section 4, Add Subsection (E) on page 12:

Senators and Representatives shall, in all cases except treason, felony, and breach of peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house or committee they shall not be questioned in any other place.

The President presiding.

The vote was:

Yeas—8

Bell	Elrod	Gunter	Stockton
Deeb	Fisher	Saylor	Wilson

Nays—29

Mr. President	Cross	Lane	Stolzenburg
Askew	Fincher	McClain	Stone
Bafalis	Gibson	Mathews	Thomas
Barron	Gong	Ott	Weissenborn
Barrow	Haverfield	Poston	Young
Boyd	Hollahan	Reuter	
Chiles	Johnson	Shevin	
Clayton	Knopke	Slade	

ARTICLE IV

Senators Bafalis, Saylor and Deeb offered the following amendment which was moved by Senator Bafalis:

Amendment 12—Article IV, Section 4, page 25, beginning at line 31, add: No person elected to two consecutive terms as members of the cabinet shall be eligible for election to the cabinet for the succeeding term. This limitation shall not apply to the persons holding cabinet offices when this constitution becomes effective.

Pending consideration of the foregoing amendment, the hour of recess having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Askew at 1:30 p.m. A quorum present—46:

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

The Senate resumed consideration of Amendment 12 which failed. The vote was:

Yeas—16

Bafalis	Elrod	Lane	Sayler
Bell	Fisher	O'Grady	Weber
Cross	Henderson	Plante	Wilson
de la Parte	Johnson	Reuter	Young

Nays—24

Mr. President	Fincher	Haverfield	Poston
Askew	Friday	Hollahan	Shevin
Barron	Gibson	Horne	Stockton
Boyd	Gong	Knopke	Stolzenburg
Chiles	Griffin	McClain	Stone
Clayton	Gunter	Mathews	Thomas

ARTICLE VII

The President presiding.

Senator Weissenborn offered the following amendment which was adopted:

Amendment 20—Article VII, Section 5, page 31, line 9, strike "to the extent of five thousand dollars of assessed value" and insert in lieu thereof up to the assessed valuation of five thousand dollars on said home and contiguous real property

Senators Griffin and Weissenborn offered the following amendment which was moved by Senator Griffin and failed:

Amendment 21—Article VII, Section 4, page 30, beginning at line 27, strike Section 4 and insert the following in lieu thereof:

Section 4. Estate, inheritance and income taxes; exemption for head of family.—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 or any state. Notwithstanding this limitation the legislature may enact a state tax at a rate not to exceed 5% on the net income before federal income tax of corporations.

Senator Stolzenburg offered the following amendment which failed:

Amendment 22—Article VII, Section 4, line 28, strike the words "estates or inheritances"

Senators Fincher and Lane offered the following amendment:

Amendment 23—Article VII, Section 2, Subsection B, Paragraph 1, page 30, beginning at line 5, after the word "used" strike "exclusively" and insert primarily

The President Pro Tempore presiding.

Senators Horne and Lane offered the following substitute amendment which was adopted on motion by Senator Horne:

Article VII, Section 2, Subsection B, Paragraph 1, on page 30, beginning at line 2, strike the last sentence and insert the following: By general law other property owned by a municipality and used primarily for municipal or public purposes, or property used primarily for educational, literary, scientific, religious or charitable purposes may be exempted from taxation.

Senator Askew presiding.

ARTICLE IX

Senators Boyd, Henderson, Stone, Barron, Barrow and Gibson offered the following amendment which was adopted on motion by Senator Boyd:

Amendment 1—Article IX, Section 4, Subsection a, page 36, beginning at line 19, strike subsection (a) and insert in lieu thereof the following:

(a) Each county shall constitute a school district; provided two or more contiguous counties, upon an affirmative vote of

the electors of each county, 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 chosen by vote of the electors for appropriately staggered terms of four years, as provided by law.

The vote was:

Yeas—25

Mr. President	Edwards	Henderson	Plante
Askew	Elrod	Horne	Stockton
Barron	Fincher	Johnson	Stone
Barrow	Friday	Lane	Weissenborn
Boyd	Gibson	Mathews	
Clayton	Griffin	O'Grady	
Deeb	Gunter	Ott	

Nays—17

Bafalis	Gong	Reuter	Wilson
Bell	Haverfield	Sayler	Young
Chiles	Hollahan	Shevin	
de la Parte	Knopke	Slade	
Fisher	Poston	Weber	

ARTICLE VII

Senators Hollahan and Poston offered the following amendment which was adopted on motion by Senator Hollahan:

Amendment 24—Article VII, Section 9, Subsection c, page 33, delete lines 26 thru 30 and insert the following: If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.

Senator Weissenborn offered the following amendment which failed:

Amendment 25—Article VII, Section 6, page 32, line 6, strike the period after "counties" and insert a comma followed by the following language: "provided that such distribution shall be approved by a majority of the electors of this state at the general election next following the approval of this constitution by the electors of this state."

ARTICLE X

Senator Poston offered the following amendment which failed:

Amendment 2—Article X, Section 13, page 42, beginning at line 29, strike all of section 13, and insert in lieu thereof the following:

SOVEREIGN IMMUNITY.— Provision may be made by general law for bringing suits against the state as to all liabilities now existing or hereafter originating.

A motion by Senator Weissenborn failed that the Senate reconsider the vote by which Amendment 1 offered by Senator Boyd to Article IX was adopted this day. The vote was:

Yeas—21

Bafalis	Gong	Reuter	Weissenborn
Bell	Haverfield	Sayler	Wilson
Chiles	Hollahan	Shevin	Young
Deeb	Knopke	Slade	
de la Parte	McClain	Stolzenburg	
Fisher	Poston	Weber	

Nays—23

Mr. President	Edwards	Gunter	O'Grady
Askew	Elrod	Henderson	Ott
Barron	Fincher	Horne	Plante
Barrow	Friday	Johnson	Stockton
Boyd	Gibson	Lane	Stone
Clayton	Griffin	Mathews	

ARTICLE XII

Senators Deeb and Sayler offered the following amendment which was moved by Senator Deeb and failed:

Amendment 3—Article XII, Section 9, Subsection c, page 51, beginning at line 1, delete entire subsection.

Senator Mathews offered the following amendment which was adopted:

Amendment 4—Article XII, Section 9 (a), page 50, lines 17-20, strike: all of subsection (a) and insert the following: (a) No additional revenue bonds shall be issued pursuant to Article IX, Section 17, of the Constitution of 1885, as amended, or after June 30, 1968, pursuant to Article XII, Section 19, of the Constitution of 1885, as amended. The provisions for interest rates contained in subsection (d) of this section shall apply to such bonds as may be issued under this subsection (a)

Senator Stockton offered the following amendment which failed:

Insert following page 28: Article V of the Constitution of 1885, as amended—

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 4:10 p.m.

On motion by Senator Mathews, SJR 2-2X as amended was read the third time in full, as follows:

SJR 2-2X—A joint resolution proposing a revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII.

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

That the following proposed revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November 1968:

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 law 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 labor organization. The right of employees, public or private, by and through a labor union or labor organization, 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 of bearing arms may be regulated by law.

Section 9. DUE PROCESS.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself.

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. Articles or information obtained in violation of this right shall not be admissible in evidence.

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

Section 14. BAIL.—Until adjudged guilty, every person charged with a crime or violation of municipal or county ordinance shall be entitled to release on reasonable bail with sufficient surety unless charged with a capital offense or an offense punishable by life imprisonment 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 trial 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 informed of the nature and cause of the accusation against him, and shall 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, 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 before pleading the accused may elect in which of those counties he will 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, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden.

Section 18. *ADMINISTRATIVE PENALTIES*.—No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other 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 or inciting the populace to riot for the purpose of overthrowing the government of the state or any of its political subdivisions, 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 the number of jurors, not fewer than six, shall be fixed by law.

ARTICLE II

GENERAL PROVISIONS

Section 1. *STATE BOUNDARIES*.—

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing 0°01'00" west from the point of beginning; thence along said line to the point of beginning. The 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.

(b) 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, lieutenant 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 of the emergency 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 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, and any officer may be a member of a constitution revision commission, constitutional convention, or statutory body having only advisory powers.

(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.

Section 7. *NATURAL RESOURCES AND SCENIC BEAUTY*.—

(a) The policy of the state shall be to conserve and protect its natural resources and scenic beauty. The legislature, in implementing this policy, shall adequately provide for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the conservation and regulation of water resources.

(b) The legislature shall also provide for the acquisition and dedication of structures, lands, and waters, which because of their natural beauty, wilderness character, or geological, ecological or historical significance shall be preserved and administered for the use and enjoyment of the people. Properties so dedicated shall constitute the state nature and historical preserve and they shall not be taken or disposed of except by law.

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 who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

Section 3. *SESSIONS OF THE LEGISLATURE.*—

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

(b) **REGULAR SESSIONS.** A regular session of the legislature shall convene on the 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) A special session of the legislature may be convened 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 sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall 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 as prescribed by law.

Section 6. *LAWS.*—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section,

subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:".

Section 7. *PASSAGE OF BILLS.*—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote 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 the session or as soon as practicable after its adjournment sine die.

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, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

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

Section 10. *SPECIAL LAWS.*—No special 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.

Section 11. *PROHIBITED SPECIAL LAWS.*—

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

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) 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;

(3) rules of evidence in any court;

(4) punishment for crime;

(5) petit juries, including compensation of jurors, except establishment of jury commissions;

(6) change of civil or criminal venue;

(7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(8) refund of money legally paid or remission of fines, penalties or forfeitures;

(9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;

(10) disposal of public property, including any interest therein, for private purposes;

(11) vacation of roads;

(12) private incorporation or grant of privilege to a private corporation;

(13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(14) change of name of any person;

(15) divorce;

(16) legitimation or adoption of persons;

(17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

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

Section 13. *TERM OF OFFICE.*—No office shall be created the term of which shall exceed four years except as provided herein.

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 offices 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 [twenty] consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) *FAILURE OF LEGISLATURE TO APPORTION—JUDICIAL REAPPORTIONMENT.* 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. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

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

(d) *EFFECT OF 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, lieutenant 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 another 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. The time fixed for 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) The governor 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) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented 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) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor 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, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

Section 2. LIEUTENANT GOVERNOR.—

[(a) DUTIES.] There shall be a lieutenant governor. He shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor, *except when otherwise provided by law*, and such other duties as may be prescribed by law.

Section 3. [(b)] SUCCESSION TO OFFICE OF GOVERNOR—ACTING GOVERNOR.—

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

[(c) ACTING GOVERNOR.] (b) 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 secretary of state 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.] 4. CABINET.—

(a) 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.

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

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

(d) The comptroller shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state.

(e) 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. The governor shall countersign as a ministerial duty subject to original mandamus.

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

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

Section [4.] 5. ELECTION OF GOVERNOR, LIEUTENANT GOVERNOR AND CABINET MEMBERS—QUALIFICATIONS—TERMS.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In the general election and in party primaries, if held, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida of the preceding five 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 governor for the succeeding term.

Section [5.] 6. EXECUTIVE DEPARTMENTS.—All functions of the executive branch of state governments 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 lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(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.] 7. SUSPENSIONS—FILLING OFFICE DURING SUSPENSIONS.—

(a) By executive order stating the grounds 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, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

Section [7.] 8. *CLEMENCY.*—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the secretary of state, 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.

(b) In cases of treason the governor 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.] 9. *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 VII

FINANCE AND TAXATION

Section 1. *TAXATION—APPROPRIATIONS—STATE EXPENSES.*—

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

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

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

(d) 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] *The taxes on intangible personal property may be at different rates but 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.*

Section 3. *TAXES—EXEMPTIONS.*—

[(b)] (a) All property owned by a municipality and used

exclusively by such municipality for municipal or public purposes [within the county in which the municipality is located] shall be exempt from taxation. By general law other property owned by a municipality and used [exclusively] *primarily* for municipal or public purposes, [and] or property used [exclusively] *primarily* for educational, literary, scientific, religious or charitable purposes may be exempted from taxation.

[(c)] (b) 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.

Section [3.] 4. *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.] 5. *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 or any state.

Section [5.] 6. *HOMESTEAD EXEMPTIONS.*—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, [to the extent of five thousand dollars of assessed value,] *up to the assessed valuation of five thousand dollars on said home and contiguous real property upon establishment of right thereto in the manner prescribed by law.* The real estate may be held by legal or equitable title, by the [entities] *entireties*, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

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

(c) If the real estate be maintained as a bona fide permanent home for an owner who has been a resident of the state for the preceding five years and who is over the age of sixty-five or totally disabled as defined by law, the amount of the exemption shall be ten thousand dollars of assessed value.

Section [6.] 7. *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. When allocated to the counties, the distribution shall be in equal amounts to the several counties.

Section [7.] 8. *AID TO LOCAL GOVERNMENTS.*—State funds may be appropriated to the several counties, school districts, municipalities or special districts upon such conditions as may be provided by general law.

Section [8.] 9. *LOCAL TAXES.*—

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

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the

owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property; for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; and for special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein 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 [9.] 10. *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 to aid any corporation, association, partnership, or person; but this shall not prohibit laws authorizing:

- (a) the investment of public trust funds;
- (b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;
- (c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation, or leasing of the projects. *If [Any] any project so financed, or any part thereof, [which] is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.*

Section [10.] 11. *STATE BONDS—REVENUE BONDS*.—

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state capital projects upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection (a) may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of state bonds issued pursuant to this subsection (a) shall never exceed fifty per cent of the total tax revenues of the state for the two preceding fiscal years.

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

(c) 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 state capital projects and shall be payable solely from funds derived from sources other than state tax revenues or rents or fees paid from state tax revenues.

Section [11.] 12. *LOCAL BONDS*.—Counties, school districts, municipalities, special districts and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness or any form of tax anticipation certificates, payable from ad valorem taxation and maturing more than twelve months after issuance only:

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

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

Section [12.] 13. *RELIEF FROM ILLEGAL TAXES*.—Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

ARTICLE IX EDUCATION

Section 1. *SYSTEM OF PUBLIC EDUCATION*.—Adequate provision shall be made by law for a uniform system of free public schools and for the establishment, maintenance and

operation of institutions of higher learning and other public education programs that the needs of the people may require.

Section 2. *STATE BOARD OF EDUCATION*.—The governor and the 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. *TERMS OF APPOINTIVE BOARD MEMBERS*.—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 two or more contiguous counties, upon an affirmative vote of the electors of each county, 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 chosen by vote of the electors for appropriately staggered terms of four years, as provided by law.

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

Section 5. *SUPERINTENDENT OF SCHOOLS*.—In each school district there shall be a superintendent of schools. He 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; or, when provided by resolution of the district school board approved by vote of the electors, the office of district school superintendent in any school district shall be filled by appointment by the district school board. Such resolution may be rescinded by like procedure after four years.

Section 6. *STATE SCHOOL FUND*.—[The income derived from the state school fund shall, and the principal of such fund may, be appropriated only to the support and maintenance of free public schools.] *The income derived from the state school fund shall be appropriated to the support and maintenance of free public schools. The principal of such fund may be appropriated to the same purpose, but to no other.*

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 the appropriate United States army or air force regulations and usages.

Section 3. *VACANCY IN OFFICE*.—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 4. *HOMESTEAD—EXEMPTIONS.*—

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

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

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

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

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

Section 5. *COVERTURE AND PROPERTY.*—There shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law.

Section 6. *EMINENT DOMAIN.*—

(a) No private property shall be taken [or damaged] except for a public purpose and with [full] just compensation therefor [, including damages arising from the taking, as determined by a jury, and court costs, reasonable expenses and attorneys' fees, as determined by a court,] paid to each owner or secured by deposit in the registry of the court and available to the owner.

[(b) 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)] (b) 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 7. *LOTTERIES.*—Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

Section 8. *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 9. *REPEAL OF CRIMINAL STATUTES.*—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

Section 10. *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 11. *SOVEREIGNTY LANDS.*—The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people. Sale or private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

Section 12. *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.

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

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

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

[Section 13. *SOVEREIGN IMMUNITY.*—The state, its agencies and political subdivisions, shall be liable on their contracts and responsible for their torts under the circumstances and subject to the limitations upon and methods, administrative or judicial, for determining liability as established by general law.]

Section 13. *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) fifteen members selected by the governor;

(3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

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

(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*.—

(a) The power to call a convention 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.

(b) 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 votes 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. *SARASOTA COUNTY — HOMESTEAD TAX EXEMPTION*.—[The status of Sarasota county as respects the deferred allowance of homestead tax exemption under Article X, Section 7, of the Constitution of 1885, as amended, shall continue in effect until changed by vote of the electors of the county to conform to Article VII, Section 5, of this constitution.]

Section [3.] 2. *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 [4.] 3. *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 [5.] 4. *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 district.

(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 district superintendent of schools until changed as herein provided.

Section [6.] 5. *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 district superintendent of schools.

Section [7.] 6. *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 [8.] 7. *PUBLIC DEBTS RECOGNIZED*.—All bonds, revenue certificates, revenue bonds and tax anticipation certificates issued pursuant to the Constitution of 1885, as amended, by the state, any agency, political subdivision or public corporation of the state shall remain in full force and effect and shall be secured by the same sources of revenue as before the adoption of this constitution, and, to the extent necessary to effectuate this section, the applicable provisions of the Constitution of 1885, as amended, are retained as a part of this constitution until payment in full of these public securities.

Section [9.] 8. *BONDS*.—

(a) *ADDITIONAL SECURITIES*. No additional revenue bonds shall be issued pursuant to Article IX, Section 17, of the Constitution of 1885, as amended, or, after June 30, 1969, pursuant to Article XII, Section 19, of the Constitution of 1885, as amended. The provisions for interest rates contained in Subsection (d) of this section shall apply to such bonds as may be issued under this subsection (a).

(b) *REFUNDING BONDS*. Revenue bonds to finance the cost of state capital projects issued prior to the date this constitution becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors, at a lower net average interest cost rate by the issuance of bonds, maturing not later than the obligations refunded, secured by the same revenues only, or secured by the same revenues and also by the full faith and credit of the state.

(c) *MOTOR VEHICLE FUEL TAXES*.

(1) A state 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 as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued 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 purpose of providing that after the effective date of this constitution the proceeds of the "second gas tax" as referred to therein shall be allocated 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 holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

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

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated 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 to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, 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 subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). 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. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county.

(d) SCHOOL BONDS. 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. Bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five per cent per annum but higher interest may be authorized by statute passed by a two-thirds vote of the membership of each house of the legislature. Bonds issued pursuant to this subsection (d) shall be payable primarily from revenues as provided in Article XII, Section 18, of the Constitution of 1885, as amended, and, if authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When authorized by law, bonds issued pursuant to Article XII, Section 18, of the Constitution of 1885, as amended, and bonds issued pursuant to this subsection (d) may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) DEBT LIMITATION. Bonds issued pursuant to this [Section 10] Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 10, Article VII, of this constitution.

Section [10.] 9. *PRESERVATION OF EXISTING GOVERNMENT.*—All provisions of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this constitution shall become statutes subject to modification or repeal as are other statutes.

Section [11.] 10. *DELETION OF OBSOLETE SCHEDULE ITEMS.*—The legislature shall have power, by joint resolution, to delete from this constitution any section of this Article XII, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

Section [12.] 11. *SENATORS.*—The requirements of staggered terms of senators in Section 15(a) of Article III of this Constitution shall apply only to senators elected in November, 1972, and thereafter.

Section [13.] 12. *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 [14.] 13. *CONFLICTING PROVISIONS.*—This schedule is designed to effect the orderly transition of government from the Constitution of 1885, as amended, to this constitution and shall control in all cases of conflict with any part of Articles I through IV, VII, and IX through XI.

Section [15.] 14. *SPECIAL DISTRICT TAXES.*—Ad valorem taxing power vested by law in special districts existing when this constitution becomes effective shall not be abrogated by Section 8(b) of Article VII hereof, but such powers, except to the extent necessary to pay outstanding debts, may be restricted or withdrawn by law.

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

Yeas—31

Mr. President	Deeb	Hollahan	Shevin
Askew	Elrod	Horne	Slade
Bafalis	Fincher	Johnson	Stockton
Bell	Friday	Lane	Stone
Boyd	Gong	Mathews	Weber
Chiles	Gunter	Plante	Weissenborn
Clayton	Haverfield	Poston	Young
Cross	Henderson	Reuter	

Nays—15

Barron	Fisher	McClain	Stolzenburg
Barrow	Gibson	O'Grady	Thomas
de la Parte	Griffin	Ott	Wilson
Edwards	Knopke	Sayler	

SJR 2-2X was ordered engrossed.

EXPLANATIONS OF VOTE

I cast my vote for SJR 2-2X since I feel the electorate should be permitted to make the final determination. It is my intent to

argue against SJR 2-2X because I strongly object to several sections in Articles IV, VII, IX and X.

JOHN W. BELL, 38th District

My negative vote was predicated primarily on the fact that no public hearings have been held by the legislature and that several provisions (Article VII in particular) are unrealistic and unreasonable.

HENRY SAYLER, 21st District

On motion by Senator Mathews, the rules were waived and the Senate reverted to the order of—

INTRODUCTION

By Senator Sayler—

SJR 14-2X—A joint resolution proposing a revision of Article VII of the Constitution of the State of Florida relating to counties and cities.

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

That the following proposed revision of Article VII of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968:

ARTICLE VII

FINANCE AND TAXATION

Section 1. **TAXATION—APPROPRIATIONS—STATE EXPENSES.**—

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

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

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

(d) 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) All property owned by a municipality and used exclusively by such municipality for municipal or public purposes within the county in which the municipality is located shall be exempt from taxation. By general law other property owned by a municipality and used exclusively for municipal or public purposes, and property used exclusively for educational, literary, scientific, religious or charitable purposes may be exempted 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.

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 or any state.

Section 5. **HOMESTEAD EXEMPTIONS.**—

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

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

(c) If the real estate be maintained as a bona fide permanent home for an owner who has been a resident of the state for the preceding five years and who is over the age of sixty-five or totally disabled as defined by law, the amount of the exemption shall be ten thousand dollars of assessed value.

Section 6. **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. When allocated to the counties, the distribution shall be in equal amounts to the several counties.

Section 7. **AID TO LOCAL GOVERNMENTS.**—State funds may be appropriated to the several counties, school districts, municipalities or special districts upon such conditions as may be provided by general law.

Section 8. **LOCAL TAXES.**—

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

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; and for special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein 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 9. **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 to aid any corporation, association, partnership, or person; but this shall not prohibit laws authorizing:

(a) the investment of public trust funds;

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

(c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue

bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation, or leasing of the projects. Any project so financed, or any part thereof, which is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, shall be subject to taxation to the same extent as privately owned property.

Section 10. STATE BONDS—REVENUE BONDS.—

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state capital projects upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection (a) may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of state bonds issued pursuant to this subsection (a) shall never exceed fifty per cent of the total tax revenues of the state for the two preceding fiscal years.

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

(c) 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 state capital projects and shall be payable solely from funds derived from sources other than state tax revenues or rents or fees paid from state tax revenues.

Section 11. LOCAL BONDS.— Counties, school districts, municipalities, special districts and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness or any form of tax anticipation certificates, payable from ad valorem taxation and maturing more than twelve months after issuance only:

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

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

Section 12. 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.

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

By the required Constitutional two-thirds vote of the Senate SM 15-2X, SB 16-2X and SM 17-2X were admitted for introduction and consideration:

By Senators Thomas, Friday, Bafalis, Henderson and Askew—

SM 15-2X—A memorial to the congress of the United States requesting emergency funds for the four-laning of State Road 80.

Whereas, Florida State Road 80 between West Palm Beach and Fort Myers, and particularly that section between West Palm Beach and Belle Glade, is generally acknowledged to be the deadliest stretch of highway in the nation; and

Whereas, it has been established that Florida State Road 80, which is bordered by a 35 foot deep canal, has the highest death ratio in the nation (39.2 per 100,000 miles as compared to the national average of 5.7); and

Whereas, Florida State Road 80, a major portion of which is also designated as U. S. Highway 441, is the only practical access route from the populous Palm Beach metropolitan area to the richly productive Lake Okeechobee agricultural area, which is the nation's major source of winter vegetables; and

Whereas, more than one thousand migratory farm workers and numerous public school children use this road each day to commute from the Palm Beach area to and from the vicinity of Lake Okeechobee; and

Whereas, in view of this tragic situation construction of a safe and modern highway to serve the needs of those people who have no choice but to use this highway, often against their best judgment, is a matter of top priority; and

Whereas, by copy of this memorial, the Senate of Florida is requesting the Florida state road department to classify Florida State Road 80 as a #1 priority needed project; Now, Therefore,

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

That the congress of the United States be and is hereby requested to declare that the critically hazardous conditions existing on Florida State Road 80 constitute an emergency for which immediate action is necessary, and to provide funds from the National Emergency Defense Act for the construction of a modern four lane Florida State Road 80 from West Palm Beach to Fort Myers, Florida.

Be It Further Resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States congress and to the chairman of the Florida state road board.

Was read the first time in full. On motion by Senator Thomas, the rules were waived and SM 15-2X was placed on the Calendar.

Unanimous consent was granted Senator Thomas to take up SM 15-2X out of order.

On motion by Senator Thomas, the rules were waived and SM 15-2X was read the second time by title, adopted, and certified to the House.

By Senators Friday and Hollahan—

SB 16-2X—A bill to be entitled An act creating a contingency fund from the existing legislative appropriation to assist in financing the cost of hosting the National Legislative Conference in August, 1968; providing an effective date.

Was read the first time by title and referred to the Committee on Appropriations.

By Senators Lane and Askew—

SM 17-2X—A memorial to the President and the Congress of the United States proposing an amendment of the Federal Social Security Act.

WHEREAS, the Federal Social Security Act since its enactment in 1935 has permitted the various states to impose reasonable residence requirements for eligibility to the various public assistance programs the costs of which are partly paid from federal funds, and

WHEREAS, the Federal Social Security Act so provides at the present time, with Florida having consistently required a reasonable continued residence as an eligibility factor for permanent public assistance payments, and

WHEREAS, a federal court in California and other federal courts in other parts of the nation have declared the unconstitutionality of such residence requirements, alleging that they contravene the "equal protection of the laws" guarantee of the Federal Constitution and that they unduly restrict the freedom of Americans to travel at will within the country, and

WHEREAS, if this new judicial theory is upheld by the United States Supreme Court, state and local costs of public assistance in Florida will be tremendously and permanently increased, NOW, THEREFORE,

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

That the President and the Congress of the United States are requested to amend the Federal Social Security Act at once so as to provide for full federal financing of public assistance payments made to recipients who do not meet the residence requirements presently permitted by federal statute and contained in Florida law and the applicable statutes of other states, such federal financing to continue in each case only until the existing length of residence requirements have been met by each recipient.

BE IT FURTHER RESOLVED that copies of this resolution

be immediately transmitted to the President and Vice-President of the United States, to the Speaker of the House of Representatives, and to each senator and representative from Florida in the Congress of the United States.

Was read the first time in full. On motion by Senator Lane, the rules were waived and SM 17-2X was placed on the Calendar.

Unanimous consent was granted Senator Lane to take up SM 17-2X out of order.

On motions by Senator Lane, the rules were waived and SM 17-2X was read the second time by title, adopted, and certified to the House.

On motion by Senator Mathews, the Senate adjourned at 4:07 p. m. to reconvene at 9:30 a. m. June 27, 1968.