

Constitution of the State of Florida

ADOPTED BY THE CONVENTION OF 1885.
(Amendments Inclusive Through 1966)

The constitution of the State of Florida as it appears here is a literal reproduction of the original handwritten constitution signed by the members of the Constitutional Convention of 1885, on file in the office of the Secretary of State, with the exception of amended sections and subsequent additional amendments adopted by a vote of the people, which are reproduced here from the original joint resolutions of the Legislature filed and recorded in the office of the Secretary of State. Variances in spelling and punctuation between this reproduction and previously published copies of the constitution exist, because we have refrained from editing or correcting apparent clerical errors in the original document. The analysis which appears at the beginning of each article of the constitution, the headings which follow each section number and the history notes have been added for convenience, and are not a part of the original.

PREAMBLE

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

History.—Am. H. J. R. 1966, 1961; adopted 1962.

DECLARATION OF RIGHTS

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SECTION 1. *Equality; inherent rights.*—All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and obtaining safety.

SECTION 2. *Political powers; government; allegiance.*—All political power is inherent in the people. Government is instituted for the protection, security and benefit of the citizens and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every

citizen is due to the Federal Government, and the people of this State have no power to dissolve its connection therewith.

SECTION 3. *Trial by jury inviolate.*—The right of trial by jury shall be secured to all, and remain inviolate forever.

SECTION 4. *Courts open to everyone; remedy for wrongs.*—All courts in this State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

SECTION 5. *Religious freedom; liberty of conscience, etc.*—The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the State or society.

SECTION 6. *Religious preferences; public aid, etc.*—No preference shall be given by law to any church, sect or mode of worship and no money 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 7. *Habeas corpus and suspension thereof.*—The writ of habeas corpus shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless, in case of rebellion or invasion, the public safety may require its suspension.

SECTION 8. *Excessive bail, fines, etc., cruel punishment.*—Excessive bail shall not be required, nor excessive fines be imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

SECTION 9. *Right to bail; when denied.*—All persons shall be bailable by sufficient sureties, except for capital offences where the proof is evident or the presumption great.

SECTION 10. *Prosecution for crimes; indictments; informations; grand juries, etc.*—No person shall be tried for a capital crime unless on presentment or indictment by a grand jury, and no person shall be tried for other felony unless on presentment or indictment by a grand jury or upon information under oath filed by the prosecuting attorney of the court wherein the information is filed, except as is otherwise provided in this Constitution, and except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the State, with the consent of Congress, may keep in time of peace. Any person under such information, presentment or indictment for any felony not capital may be arraigned and may enter a plea in term time or in vacation, and the judgment and sentence of the court on a plea of guilty may be made and entered either in term time or in vacation. The Judge of any circuit court is authorized to dispense with the summoning, empanelling, and convening of the grand jury at any term of court by making, entering, and filing with the clerk of said court a written order directing that no grand jury be summoned at such term of court, which order of the Circuit Judge may be made in vacation or term time of said court. The Legislature shall have power by general legislation to regulate the number of grand jurors to serve upon, or constitute, a grand jury and to fix the number of grand jurors required to vote for and return an indictment or presentment.

This amendment, upon ratification as aforesaid, shall take effect at midnight on December 31st, 1934, without the necessity of Legislation.

(Amended, House Joint Resolution 152, Acts 1933; adopted at general election 1934.)

cf.—§28, Art. V, Florida Constitution.

SECTION 11. *Rights of accused; speedy trial; etc.*—In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime was committed, and shall be heard by himself, or counsel, or both, to demand the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have compulsory process for the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.

SECTION 12. *Double jeopardy; self-incrimination; eminent domain; right to work.*—No person shall be subject to be twice put in jeopardy for the same offense, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken without just compensation. The right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union, or labor organization; provided, that this clause shall not be construed to deny or abridge the right of employees by and through a labor organization or labor union to bargain collectively with their employer.

(As amended by House Joint Resolution No. 13 of 1943. Adopted general election 1944).

SECTION 13. *Freedom of speech and press; truth as defense to libel; etc.*—Every person may fully speak and write his sentiments on all subjects being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions and civil actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the matter charged as libellous is true, and was published for good motives, the party shall be acquitted or exonerated.

SECTION 14. *Costs, when payable.*—No persons shall be compelled to pay costs except after conviction, on a final trial.

SECTION 15. *Right of assemblage; petition.*—The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SECTION 16. *Imprisonment for debt.*—No person shall be imprisoned for debt, except in cases of fraud.

SECTION 17. *Attainder; ex post facto laws; obligation of contract.*—No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed.

SECTION 18. *Equal rights for aliens and citizens.*—Foreigners who are eligible to become citizens of the United States under the provisions of the laws and treaties of the United States shall have the same rights as to the ownership, inheritance and disposition of property in the State as citizens of the State, but the Legislature shall have power to limit, regulate and prohibit the ownership, inheritance, disposition, possession and enjoyment of real estate in the State of Florida by foreigners who are not eligible to become citizens

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of the United States under the provisions of the laws and treaties of the United States.

(Amended, House Joint Resolution 750, Acts 1925; adopted at general election, 1926).

SECTION 19. *Slavery prohibited; penal servitude.*—Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party has been duly convicted, shall ever be allowed in this State.

SECTION 20. *Right to bear arms.*—The right of the people to bear arms in defence of themselves, and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

SECTION 21. *Military subordinate to civil powers.*—The military shall in all cases, and at all times, be in strict subordination to the civil power.

SECTION 22. *Searches and seizures.*—The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated and no warrants issued, but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched and the person or persons, and thing or things to be seized.

SECTION 23. *Treason.*—Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood, or forfeiture of estate.

SECTION 24. *Enunciated rights no impairment of others.*—This enunciation of rights shall not be construed to impair or deny others retained by the people.

**ARTICLE I
BOUNDARIES**

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

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northwestwardly, three leagues distant from the coast line, to a point west of the mouth of the Perdido River, three leagues from the coast line, as measured on a line bearing 0° 01' 00" west from the point of beginning; thence along said line to the point of beginning.

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

(Amended H.J.R. 1965, 1961, adopted 1962.)

**ARTICLE II
DIVISION OF POWERS**

Legislative department (Art. III.)
Executive department (Art. IV.)
Judicial department (Art. V.)

Division of Powers.—The powers of the government of the State shall be divided into three departments: Legislative, Executive, and Judicial. No person properly belonging to one of these departments shall exercise any powers appertaining to either of the other departments, except in cases expressly provided by this constitution.

(Amended H.J.R. 1961, adopted 1962.)

**ARTICLE III
LEGISLATIVE DEPARTMENT**

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| <p>Sec.</p> <ol style="list-style-type: none">1. Legislative powers; senate; house of representatives.2. Regular and extra sessions.2A. Special Session for organizational purposes.3. Legislators, how chosen.4. Legislators, qualifications, salaries, etc.5. Ineligibility of legislators to office.6. Organization; officers; rules; expulsion of members; etc.7. Ineligibility of state and federal officers.8. Change of residence vacates office.9. Contempt of legislature.10. Compulsory attendance of witnesses.11. Quorum; adjournments; compulsory attendance of members.12. Journals of proceedings.13. Open doors; adjournment of one house.14. Origin of bills; amendments.15. Enacting clause, form.16. Acts; one subject; expressed in title; amendments.17. Enactment of legislature; reading; vote; signatures.18. Effective date of acts. | <p>Sec.</p> <ol style="list-style-type: none">19. Accounts of public money; publication.20. Special and private laws, when prohibited.21. General laws on certain subjects; general and uniform operation; notice of intention to apply for local legislation.22. Suits against state.23. Lotteries.24. Uniform county and municipal government; classification of cities and towns.25. Incorporation of companies and associations; special and local laws.26. Election laws.27. Election, duties and compensation of state and county officers.28. Executive approval of acts; veto; overriding veto.29. Impeachment of officers.30. Appropriation bills.31. United States senators.32. Crimes, effect of repeal or amendment of law.33. Limitations, reducing time.34. Impeached officers; effect of impeachment. |
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SECTION 1. *Legislative powers; senate; house of representatives.*—The legislative authority of this State shall be vested in a Senate and a House of Representatives, which shall be designated The Legislature of the State of Florida and the sessions thereof shall be held at the seat of government of the State.

SECTION 2. *Regular and extra sessions.*—The regular sessions of the legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, 1887, and on the corresponding day of every second year thereafter, but the governor may convene the same in extra session by his proclamation. Regular sessions of the legislature may extend to sixty days, but

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no special session convened by the governor shall exceed twenty days. The regular sixty day biennial session of the legislature may, by a three-fifths vote of the membership of both houses, be extended not exceeding a total of thirty days which need not be consecutive. Recesses in such extended session shall be taken only by joint action of both houses. No extended session may last beyond September 1st following the regular biennial session. During such extended session, no additional proposed legislation shall be introduced unless consent is first obtained by a two-thirds vote of the members of the House into which it is sought to be introduced.

Provided, that the legislature may also be convened in extra session in the following manner: When twenty per cent of the members of the legislature shall execute in writing and file with the secretary of state, their certificates that conditions warrant the convening of the legislature into extra session, the secretary of state shall, within seven days after receiving the requisite number of such certificates, poll the members of the legislature, and upon the affirmative vote of three-fifths of the members of both houses, shall forthwith fix the day and hour for convening of such extra session. Notice thereof shall be given each member by registered mail within seven days after receiving the requisite number of said certificates. The time for convening of said session shall not be less than fourteen days nor more, than twenty-one days from the date of mailing said notices. In pursuance of said certificates, affirmative vote of the membership and notice, the legislature shall convene in extra session for all purposes as if convened in regular session; provided, however, that any such extra session shall be limited to a period of thirty days. Should the secretary of state fail to receive the requisite number of said certificates requesting the convening of an extra session of the legislature within a period of sixty days after receipt of the first of said certificates, all certificates previously filed shall be rendered null and void and no extra session shall be called and said certificates shall not be used at any future time for the convening of the legislature.

(Amended H. J. R. 579, 1953; adopted 1954; amended S. J. R. 119, 1955; adopted 1956.)

SECTION 2A. *Special session for organizational purposes.*—The legislature shall meet on the first Tuesday in November after the general election for the purpose of organization, swearing in new members and selecting officers. No other business shall be transacted.

(S. J. R. 655, 1965; adopted 1966.)

SECTION 3. *Legislators, how chosen.*—The members of the House of Representatives of the State of Florida shall be chosen biennially beginning with the general election on the first Tuesday after the first Monday in November, 1898, and thereafter on the corresponding day of every second year.

(Amended Joint Resolution 5, Acts 1895; adopted at general election, 1896.)

SECTION 4. *Legislators, qualifications, salaries, etc.*—Senators and members of the House of Representatives shall be duly qualified electors in the respective counties and districts for which they were chosen. The compensation of legislators shall be twelve hundred (\$1200.00) dollars each year and shall be paid in monthly installments of one hundred (\$100.00) dollars each. During the time the legislature is in session each legislator shall receive per diem and travel expenses as provided by law, but such may not exceed the allowances for such expenses provided for other state officials under general law.

(Amended H. J. R. 179, 1947; adopted 1948. Amended H. J. R. 579, 1953; adopted 1954.)

SECTION 5. *Ineligibility of legislators to office.*—No Senator or member of

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the House of Representatives shall during the time for which he was elected, be appointed, or elected to any civil office under the Constitution of this State that has been created, or the emoluments whereof shall have been increased during such time.

SECTION 6. *Organization; officers; rules; expulsion of members; etc.*—Each house shall judge of the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session thereof, choose from among its own members a permanent President of the Senate, who shall be its presiding officer. The House of Representatives shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each house may punish its own members for disorderly conduct; and each house with the concurrence of two-thirds of all its members present, may expel a member.

SECTION 7. *Ineligibility of state and federal officers.*—No person holding a lucrative office or appointment under the United States or this State, shall be eligible to a seat in the Legislature of this State.

SECTION 8. *Change of residence vacates office.*—The seat of a member of either House shall be vacated on his permanent change of residence from the district or county from which he was elected.

SECTION 9. *Contempt of legislature.*—Either House during the session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, or of a refusal to obey its lawful summons but such imprisonment shall not extend beyond the final adjournment of the session.

SECTION 10. *Compulsory attendance of witnesses.*—Either House shall have power to compel the attendance of witness upon any investigations held by itself, or by any of its committees; the manner of the exercise of such power shall be provided by Law.

SECTION 11. *Quorum; adjournments; compulsory attendance of members.*—A majority of each House shall constitute a quorum to do business, 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.

SECTION 12. *Journals of proceedings.*—Each House shall keep a Journal of its own proceedings, which shall be published, and the yeas and nays of the members of either House on any question shall, at the desire of any five members present, be entered on the Journal.

SECTION 13. *Open doors; adjournment of one house.*—The doors of each House shall be kept open during its session except the Senate while sitting in Executive session; and neither shall, without the consent of the other, adjourn for more than three days or to any other town than that in which they may be holding their session.

SECTION 14. *Origin of bills; amendments.*—Any bill may originate in either House of the Legislature, and after being passed in one House may be amended in the other.

SECTION 15. *Enacting clause, form.*—The enacting clause of every law shall be as follows: Be it enacted by the Legislature of the State of Florida.

SECTION 16. *Acts; one subject; expressed in title; amendments.*—Each law enacted in the Legislature shall embrace but one subject and matter properly

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connected therewith, which subject shall be briefly expressed in the title, and no law shall be amended or revised (by reference) to its title only; but in such case the act as revised or section, or subsection of a section, or paragraph of a subsection of a section, as amended, shall be reenacted and published at length.

(Amended S. J. Resolution No. 290 proposed 1949; adopted at general election, 1950.)

SECTION 17. *Enactment of legislature; reading; vote; signatures.*—Every bill shall be read by its title, on its first reading, in either house, unless one-third of the members present desire it read by sections. Every bill shall be read on three several days, unless two-thirds of the members present when such bill may be pending shall deem it expedient to dispense with this rule. Every bill shall be read by its sections on its second reading and on its final passage, unless on its second reading two-thirds of the members present in the House where such bill may be pending, shall deem it expedient to dispense with this rule. The vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journal of each house; *Provided*;—That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote. A majority of the members present in each house shall be necessary to pass every bill or joint resolution. All bills or joint resolutions so passed shall be signed by the presiding officer of the respective houses and by the Secretary of the Senate and the Clerk of the House of Representatives.

(Amended Joint Resolution 2, Acts 1895; adopted at general election, 1896).

SECTION 18. *Effective date of acts.*—No law shall take effect until sixty days from the final adjournment of the session of the Legislature at which it may have been enacted, unless otherwise specially provided in such law.

SECTION 19. *Accounts of public money; publication.*—Accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

SECTION 20. *Special and private laws, when prohibited.*—The Legislature shall not pass special or local laws in any of the following enumerated cases: that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers, or for the punishment of crime or misdemeanor, regulating the practice of courts of justice, except municipal courts; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads; summoning and empanneling grand and petit juries, and providing for their compensation; for assessment and collection of taxes for State and county purposes; for opening and conducting elections for State and County officers, and for designating the places of voting; for the sale of real estate belonging to minors, estates of descendents and of persons laboring under legal disabilities; regulating the fees of officers of the State and County; giving effect to informal or invalid deeds or wills; legitimizing children; providing for the adoption of children; relieving minors from legal disabilities; and for the establishment of ferries.

SECTION 21. *General laws on certain subjects; general and uniform operation; notice of intention to apply for local legislation.*—In all cases enumerated in the preceding Section, all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in that Section, the Legislature may pass special or local laws, except as now or hereafter otherwise provided in the Constitution; *Provided* that no local or special bill shall be passed, nor shall any local or special law establishing or abolishing

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municipalities, or providing for their government, jurisdiction and powers, or altering or amending the same, be passed, unless notice of intention to apply therefor shall have been published in the manner provided by law where the matter or thing to be affected may be situated, which notice shall be published in the manner provided by law at least thirty days prior to introduction into the Legislature of any such bill. The evidence that such notice has been published shall be established in the Legislature before such bill shall be passed, and such evidence shall be filed or preserved with the bill in the office of the Secretary of State in such manner as the Legislature shall provide, and the fact that such notice was established in the Legislature shall in every case be recited upon the Journals of the Senate and of the House of Representatives; *Provided*, however, no publication of any such law shall be required hereunder when such law contains a provision to the effect that the same shall not become operative or effective until ratified or approved at a referendum election to be called and held in the territory affected in accordance with a provision therefor contained in such bill, or provided by general law.

(Amended, Senate Joint Resolution 81, Acts 1937; adopted at general election, 1938).

SECTION 22. *Suits against state.*—Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

SECTION 23. *Lotteries.*—Lotteries are hereby prohibited in this State.

SECTION 24. *Uniform county and municipal government; classification of cities and towns.*—The Legislature shall establish an uniform system of county and municipal government, which shall be applicable, except in cases where local or special laws for counties are provided by the Legislature that may be inconsistent therewith. The Legislature shall by general law classify cities and towns according to population, and shall by general law provide for their incorporation, government, jurisdiction, powers, duties and privileges under such classifications, and no special or local laws incorporating cities or towns, providing for their government, jurisdiction, powers, duties and privileges shall be passed by the Legislature.

(Amended, Senate Joint Resolution 296, Acts 1933; adopted at general election, 1934).

SECTION 25. *Incorporation of companies and associations; special and local laws.*—The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining, transportation, mercantile and other useful companies or associations as may be deemed necessary; but it shall not pass any special law on any such subject, and any such special law shall be of no effect; *Provided*, however, that nothing herein shall preclude special legislation as to a university or the public schools, or as to a ship canal across the State.

(Amended, Joint Resolution 2, Acts 1899; adopted at general election, 1900).

SECTION 26. *Election laws.*—Laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SECTION 27. *Election, duties and compensation of state and county officers.*—The Legislature shall provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

SECTION 28. *Executive approval of acts; veto; overriding veto.*—Every bill

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that may have passed the Legislature shall, before becoming a law, be presented to the Governor; if he approves it he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall cause such objections to be entered upon its Journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both Houses by a two-thirds vote of members present, which vote shall be entered on the Journal of each House, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor, (Sunday excepted) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment prevent such action, such bill shall be a law, unless the Governor within twenty (20) days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

(Amended S. J. R. 179, 1953; adopted 1954.)

SECTION 29. *Impeachment of officers.*—The House of Representatives shall have the sole power of impeachment. The speaker of the House may appoint a committee to investigate alleged grounds for impeachment against any officer subject to impeachment either during or between legislative sessions; but a vote of two-thirds of all members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senate present. The Senate may adjourn to a fixed time for the trial of any impeachment, and may sit for the purpose of such trial whether the House of Representatives be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the House of Representatives. The Chief Justice shall preside at all trials by impeachment except in the trial of the Chief Justice, when the Governor shall preside. The Governor, Administrative officers of the Executive Department, Justices of the Supreme Court, and Judges of the Circuit Court shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

(Amended H.J.R. 1730, 1961, adopted 1962.)

SECTION 30. *Appropriation bills.*—Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

SECTION 31. *United States senators.*—The Legislature shall elect United States Senators in the manner prescribed by the Congress of the United States and by this Constitution.

cf.—17th Amendment to U. S. Constitution.

§99.081 Election of U. S. Senators.

SECTION 32. *Crimes, effect of repeal or amendment of law.*—The repeal or amendment of any Criminal Statute shall not effect the prosecution or punishment of any crime committed before such repeal or amendment.

SECTION 33. *Limitations, reducing time.*—No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage.

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SECTION 34. *Impeached officers; effect of impeachment.*—Immediately upon the impeachment of any officer by the House of Representatives, he shall be disqualified from performing any of the duties of his office until acquitted by the Senate, and the Governor in such case shall at once appoint an incumbent to fill such office pending the impeachment proceedings. In case of the impeachment of the Governor, the President of the Senate, or in case of the death, resignation or inability of the President of the Senate, the Speaker of the House of Representatives, shall act as Governor pending the impeachment proceedings against the Governor.

(Section added by amendment, Joint Resolution 3, Acts 1897; adopted at general election, 1898).

**ARTICLE IV
EXECUTIVE DEPARTMENT**

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| <p>Sec.</p> <ol style="list-style-type: none">1. Governor, chief executive.2. Election and term of governor.3. Eligibility of governor.4. Commander-in-chief of militia.5. Duties of governor.6. Execution of laws.7. Vacancies in office; appointments.8. Convening legislature in extra session.9. Governor's message to legislature.10. When governor may adjourn legislature.11. Reprieves; suspension of fines; etc.12. Pardon board.13. Obtaining opinion of justices.14. Grants and commissions.15. Removal or suspension of officers.16. Appointment of officers of militia.17. Board of commissioners of state institutions. | <p>Sec.</p> <ol style="list-style-type: none">18. Veto of appropriations.19. Impeachment, death, resignation, etc., of governor; who to act.20. Governor's cabinet.21. Secretary of state, duties, etc.22. Attorney general, duties, etc.23. Comptroller, duties, etc.24. Treasurer, duties, etc.25. Superintendent of public instruction, duties, etc.26. Commissioner of agriculture, duties, etc.27. Reports of cabinet officers.28. Installation of cabinet officers.29. Salaries of cabinet officers.30. Game and fresh water fish commission; powers, duties, etc. |
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SECTION 1. *Governor, chief executive.*—The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of Florida.

SECTION 2. *Election and term of governor.*—The Governor shall be elected by the qualified electors of the state. The first election for governor under this section shall be at the general election of 1964, for a term of two years and thereafter commencing with the general election of 1966, the governor shall be elected for a term of four years. The term of office shall begin the first Tuesday after the first Monday in January next after this election. The governor elected at the general election of 1964 shall be eligible for re-election to said office in the general election of 1966, but the governor elected at the general election of 1966 and thereafter shall not be eligible for re-election to said office the next succeeding term.

(Amended H. J. R. 428, 1963, adopted 1963).

SECTION 3. *Eligibility of governor.*—No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been ten years a citizen of the United States, and five years a citizen and resident of the State of Florida, next preceding the time of his election; Provided, that these limitations of time shall not apply to the President of the Senate or Speaker of the House of Representatives when, under this Constitution, the powers and duties of Governor shall devolve upon them.

SECTION 4. *Commander-in-chief of militia.*—The Governor shall be commander in Chief of the military forces of the State, except when they shall be called into the service of the United States.

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SECTION 5. *Duties of governor.*—The Governor shall transact all Executive business with the officers of the Government, civil and military, and may require information in writing from the administrative officers of the Executive Department upon any subject relating to the duties of their respective offices.

SECTION 6. *Execution of laws.*—The Governor shall take care that the laws be faithfully executed.

SECTION 7. *Vacancies in office; appointments.*—When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission for the unexpired term.

SECTION 8. *Convening legislature in extra session.*—The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall in his proclamation state the purpose for which it is to be convened, and the Legislature when organized shall transact no legislative business other than that for which it is especially convened, or such other legislative business as the Governor may call to its attention while in session, except by a two-thirds vote of each House.

SECTION 9. *Governor's message to legislature.*—The Governor shall communicate by message to the Legislature at each regular session information concerning the condition of the State, and recommend such measures as he may deem expedient.

SECTION 10. *When governor may adjourn legislature.*—In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next Legislature.

SECTION 11. *Reprieves; suspension of fines; etc.*—The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, for all offenses, except in cases of impeachment. In cases of conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the Legislature shall fail or refuse to make disposition of such case, the sentence shall be enforced at such time and place as the Governor may direct. He shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieved, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve.

SECTION 12. *Pardon board.*—The Governor, Secretary of State, Comptroller, Attorney General and Commissioner of Agriculture or a major part of them, of whom the Governor shall be one, may upon such conditions, and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment and grant pardon after conviction, in all cases except treason and impeachment subject to such regulations as may be prescribed by law relative to the manner of applying for pardons.

(Amended, Joint Resolution 3, Acts 1895; adopted at general election, 1896).
cf.—§32, Art. XVI, Florida Constitution.

SECTION 13. *Obtaining opinion of justices.*—The Governor may, at any time, require the opinion of the Justices of the Supreme Court, as to the interpretation of any portion of this Constitution upon any question affecting his

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Executive powers and duties, and the Justices shall render such opinion in writing.

SECTION 14. *Grants and commissions.*—All grants and commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SECTION 15. *Removal or suspension of officers.*—All officers that shall have been appointed or elected, and that are not liable to impeachment, may be suspended from office by the Governor for malfeasance, or misfeasance, or neglect of duty in office, for the commission of any felony, or for drunkenness or incompetency, and the cause of suspension shall be communicated to the officer suspended and to the Senate at its next session. And the Governor, by and with the consent of the Senate, may remove any officer, not liable to impeachment, for any cause above named. Every suspension shall continue until the adjournment of the next session of the Senate, unless the officer suspended shall, upon the recommendation of the Governor, be removed; but the Governor may reinstate the officer so suspended upon satisfactory evidence that the charge or charges against him are untrue. If the Senate shall refuse to remove, or fail to take action before its adjournment, the officer suspended shall resume the duties of the office. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended. No officer suspended who shall under this section resume the duties of his office, shall suffer any loss of salary or other compensation in consequence of such suspension. The suspension or removal herein authorized shall not relieve the officer from indictment for any misdemeanor in office.

SECTION 16. *Appointment of officers of militia.*—The Governor shall appoint all commissioned officers of the State Militia, including an adjutant general for the State, with the rank of brigadier general, who shall be chief of staff. The duties and compensation of all officers so appointed shall be as fixed by law. The terms of office of all commissioned officers of the organized militia shall be continuous during the pleasure of the Governor; subject to such laws as may be enacted by the Legislature providing for their retirement for age or other causes.

(Amended, committee substitute for House Joint Resolution 281, 1913; adopted at general election, 1914).

cf.—Art. XIV, Florida Constitution.

SECTION 17. *Board of commissioners of state institutions.*—The Governor and the administrative officers of the Executive Department shall constitute a Board of Commissioners of State Institutions, which Board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

SECTION 18. *Veto of appropriations.*—The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

SECTION 19. *Impeachment, death, resignation, etc., of Governor; who to act.*—In case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the powers and duties of Governor shall devolve upon the President of the Senate for the residue of the term, or until the disability shall cease; and in case of the impeachment,

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removal from office, death, resignation or inability of the President of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives. But should there be a general election for members of the Legislature during such vacancy, an election for Governor to fill the same shall be had at the same time.

SECTION 20. *Governor's cabinet.*—The Governor shall be assisted by administrative officers as follows: A secretary of state, attorney general, comptroller, treasurer, superintendent of public instruction, and commissioner of agriculture, who shall be elected at the same time as the governor, and shall hold their offices for the same term; provided, that the first election of such officers under this section shall be had at the time of voting for governor in 1964 for a term of two years and thereafter commencing with the time of voting for governor in 1966, said officers shall be elected for a term of four years.

(Amended, H. J. R. 428, 1963; adopted 1963.)

SECTION 21. *Secretary of state, duties, etc.*—The Secretary of State shall keep the records of official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature; and shall be the custodian of the Great Seal of the State. He shall also have charge of the Capitol building and grounds, and perform such other duties as shall be prescribed by law.

SECTION 22. *Attorney general, duties, etc.*—The Attorney-General shall be the legal advisor of the Governor, and of each of the officers of the Executive Department, and shall perform such other legal duties as may be prescribed by law. He shall be Reporter for the Supreme Court.

SECTION 23. *Comptroller, duties, etc.*—The Comptroller shall examine, audit, adjust and settle the accounts of all officers of the State and perform such other duties as may be prescribed by law.

SECTION 24. *Treasurer, duties, etc.*—The Treasurer shall receive and keep all funds, bonds, and other securities, in such manner as may be prescribed by law, and shall disburse no funds, nor issue bonds, or other securities, except upon the order of the Comptroller, countersigned by the Governor, in such manner as shall be prescribed by law.

SECTION 25. *Superintendent of public instruction, duties, etc.*—The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction; the supervision of State buildings devoted to educational purposes, and perform such other duties as the Legislature may provide by law.

SECTION 26. *Commissioner of agriculture, duties, etc.*—The Commissioner of Agriculture shall perform such duties in relation to agriculture as may be prescribed by law. He shall also have supervision of the state prison, and shall perform such other duties as may be prescribed by law.

(Amended, H. J. R. 869, 1963; adopted 1964.)

SECTION 27. *Reports of cabinet officers.*—Each officer of this Department shall make a full report of his official acts, of the receipts and expenditures of his office, and the requirements of the same, to the Governor at the beginning of each regular session of the Legislature, or whenever the Governor shall require it. Such reports shall be laid before the Legislature by the Governor at the beginning of each regular session thereof. Either House of the Legislature may at any time call upon any officer of this Department for information required by it.

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SECTION 28. *Installation of cabinet officers.*—The administrative officers of the Executive Department shall be installed on the same day as the Governor.

SECTION 29. *Salaries of cabinet officers.*—The salary of the Governor of the State shall be thirty-five hundred dollars a year, of the Comptroller two thousand dollars a year, of the State Treasurer two thousand dollars, of the Secretary of State fifteen hundred dollars, of the Attorney General fifteen hundred dollars, of the Commissioner of Agriculture fifteen hundred dollars, of the Superintendent of Public Instruction fifteen hundred dollars, a year; Provided, That no administrative officer of the Executive Department shall receive any additional compensation beyond his salary for any service or services rendered the State in connection with the Internal Improvement fund or other interests belonging to the State of Florida; Provided, further, That the Legislature may after eight years from the adoption of this Constitution increase or decrease any or all of said salaries.

SECTION 30. *Game and fresh water fish commission; powers, duties, etc.*—

(1) From and after January 1, 1943, the management, restoration, conservation, and regulation, of the birds, game, fur-bearing animals, and fresh-water fish, of the State of Florida, and the acquisition, establishment, control, and management, of hatcheries, sanctuaries, refuges, reservations, and all other property now or hereafter owned or used for such purposes by the State of Florida, shall be vested in a Commission to be known as the Game and Fresh Water Fish Commission. Such Commission shall consist of five members, one from each congressional district, as existing on January 1, 1941, who shall be appointed by the Governor, subject to confirmation by the Senate. The members so appointed shall annually select one of their members as Chairman of the Commission.

(2) The first members of the Commission shall be appointed on January 1, 1943, and shall serve respectively for one, two, three, four, and five years. At the expiration of each of such terms, a successor shall be appointed to serve for a term of five years.

(3) The members of the Commission shall receive no compensation for their services as such, but each Commissioner shall receive his necessary traveling or other expenses incurred while engaged in the discharge of his official duties, but such shall not exceed the sum of \$600.00 in any one year.

(4) Among the powers granted to the Commission by this section shall be the power to fix bag limits and to fix open and closed seasons, on a state-wide, regional or local basis, as it may find to be appropriate, and to regulate the manner and method of taking, transporting, storing and using birds, game, fur-bearing animals, fresh-water fish, reptiles, and amphibians. The Commission shall also have the power to acquire by purchase, gift, all property necessary, useful, or convenient, for the use of the Commission in the exercise of its powers hereunder.

(5) The Commission shall appoint, fix the salary of, and at pleasure remove, a suitable person, as Director, and such Director shall have such powers and duties as may be prescribed by the Commission in pursuance of its duties under this section. Such Director shall, subject to the approval of the Commission, appoint, fix the salaries of, and at pleasure remove, assistants, and other employees who shall have such powers and duties as may be assigned to them by the Commission or the Director. No Commissioner shall be eligible for any such appointment or employment.

(6) The funds resulting from the operation of the Commission and from

the administration of the laws and regulations pertaining to birds, game, fur-bearing animals, fresh-water fish, reptiles, and amphibians, together with any other funds specifically provided for such purpose shall constitute the State Game Fund and shall be used by the Commission as it shall deem fit in carrying out the provisions hereof and for no other purposes. The Commission may not obligate itself beyond the current resources of the State Game Fund unless specifically so authorized by the Legislature.

(7) The Legislature may enact any laws in aid of, but not inconsistent with, the provisions of this amendment, and all existing laws inconsistent herewith shall no longer remain in force and effect. All laws fixing penalties for the violation of the provisions of this amendment and all laws imposing license taxes, shall be enacted by the Legislature from time to time.

(Section added by Amendment, Committee Substitute for Senate Joint Resolution No. 28, Act 1941, adopted General Election 1942).

ARTICLE V
JUDICIAL DEPARTMENT

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| <p>Sec.</p> <ol style="list-style-type: none"> 1. Courts. 2. Administration. 3. Practice and procedure. 4. Supreme court. 5. District courts of appeal. 6. Circuit courts. 7. County judges' courts. 8. County courts; organization and officers. 9. Criminal courts of record. 9A. Additional judge, Duval county criminal court of record. 9B. Dade county, state attorney as prosecuting attorney, criminal court of record. 9C. Hillsborough county, offices of the state attorney and county solicitor. 10. Court of record of Escambia county. 11. Courts of justices of the peace. 11A. Orange county; boundaries of justice of peace districts. 12. Juvenile courts; establishment; jurisdiction; judge; officers; procedure. | <p>Sec.</p> <ol style="list-style-type: none"> 13. Eligibility requirements for justices and judges. 13A. Eligibility requirements for justices and certain judges. 14. Vacancies in office of judge, how filled. 15. Election of judges. 16. Terms of office of certain judges. 17. Retirement, suspension and removal of judges. 17A. Discipline, retirement and removal of justices and certain judges. 18. Prohibited activities of judges. 19. Judicial salaries and expenses. 20. Style of process. 21. Referees. 22. Juries. 23. Admission and discipline of attorneys. 24. Effect of reduction of number of judges. 25. Judicial officers as conservators of the peace. 26. Schedule. |
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SECTION 1. *Courts.*—The judicial power of the State of Florida is vested in a supreme court, district courts of appeal, circuit courts, Court of Record of Escambia County, criminal courts of record, county courts, county judge's courts, juvenile courts, courts of justices of the peace, and such other courts, including municipal courts, or commissions, as the legislature may from time to time ordain and establish.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 2. *Administration.*—The chief justice of the supreme court is vested with, and shall exercise in accordance with rules of that court, authority temporarily to assign justices of the supreme court to district courts of appeal and circuit courts, judges of district courts of appeal and circuit judges to the supreme court, district courts of appeal, and circuit courts, and judges of other courts, except municipal courts, to judicial service in any court of the same or lesser jurisdiction. Any retired justice or judge may, with his consent, be likewise assigned to judicial service.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 3. *Practice and procedure.*—The practice and procedure in all courts shall be governed by rules adopted by the supreme court.

(Amended H. J. R. 810, 1955; adopted 1956.)

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SECTION 4. *Supreme Court.*—(1) *Organization.* The supreme court shall consist of seven members, one of whom shall be the chief justice. Five justices shall constitute a quorum, but the concurrence of four shall be necessary to a decision.

(2) *Jurisdiction.* Appeals from trial courts may be taken directly to the supreme court, as a matter of right, only from judgments imposing the death penalty, from final judgments or decrees directly passing upon the validity of a state statute or a federal statute or treaty, or construing a controlling provision of the Florida or federal constitution, and from final judgments or decrees in proceedings for the validation of bonds and certificates of indebtedness. The supreme court may directly review by certiorari interlocutory orders or decrees passing upon chancery matters which upon a final decree would be directly appealable to the supreme court. In all direct appeals and interlocutory reviews by certiorari, the supreme court shall have such jurisdiction as may be necessary to complete determination of the cause on review.

Appeals from district courts of appeal may be taken to the supreme court, as a matter of right, only from decisions initially passing upon the validity of a state statute or a federal statute or treaty, or initially construing a controlling provision of the Florida or federal constitution. The supreme court may review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, or that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same point of law, and may issue writs of certiorari to commissions established by law.

The supreme court may issue writs of mandamus and quo warranto when a state officer, board, commission, or other agency authorized to represent the public generally, or a member of any such board, commission, or other agency, is named as respondent, and writs of prohibition to commissions established by law, to the district courts of appeal, and to the trial courts when questions are involved upon which a direct appeal to the supreme court is allowed as a matter of right.

The supreme court may issue all writs necessary or proper to the complete exercise of its jurisdiction.

The supreme court or any justice thereof may issue writs of habeas corpus returnable before the supreme court or any justice thereof, or before a district court of appeal or any judge thereof, or before any circuit judge.

The supreme court shall provide for the transfer to the court having jurisdiction of any matter subject to review when the jurisdiction of another appellate court has been improvidently invoked.

(3) *Chief Justice.* The chief justice of the supreme court shall be chosen by the members of the court and shall serve for a term of two years. In the event of a vacancy, a successor shall be chosen within sixty days for a like term. During a vacancy or whenever the chief justice is unable to act for any reason, the justice longest in continuous service and able to act shall act as chief justice.

(4) *Clerk and Marshal; Process.* The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by law. The marshal shall have the power to execute the process of the court

throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 5. *District Courts of Appeal.*—(1) *Appellate Districts.* The state shall be divided into four or more appellate districts of contiguous counties as the Legislature may from time to time prescribe, and there shall be organized a district court of appeal in each district.

(2) *Organization; Number and Selection of Judges.* There shall initially be three judges in each district court of appeal, and the Legislature may provide for additional judges for any district court of appeal and may reduce the number of any district to not less than three. Three judges shall constitute a panel for and shall consider each case, and the concurrence of a majority of the panel shall be necessary to a decision. The court shall hold at least one session every year in each judicial circuit within the district wherein there is ready business to transact. After a change in the territorial limits of any appellate district, all proceedings then pending within the jurisdiction of each district court of appeal shall be transferred to the court then having jurisdiction, except causes which have been orally argued.

(3) *Jurisdiction.* Appeals from trial courts in each appellate district, and from final orders or decrees of county judge's courts pertaining to probate matters or to estates and interests of minors and incompetents, may be taken to the court of appeal of such district, as a matter of right, from all final judgments or decrees except those from which appeals may be taken direct to the supreme court or to a circuit court.

The supreme court shall provide for expeditious and inexpensive procedure in appeals to the district courts of appeal, and may provide for review by such courts of interlocutory orders or decrees in matters reviewable by the district courts of appeal.

The district courts of appeal shall have such powers of direct review of administrative action as may be provided by law.

A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof, or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, and quo warranto, and also all writs necessary or proper to the complete exercise of its jurisdiction.

(4) *Clerks and Marshals.* Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court may direct. Their compensation shall be fixed by law. The marshal shall have power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

(Amended H. J. R. 810, 1955; adopted 1956; (1),(2) Am. H. J. R. 1601, 1959; adopted 1960; (1),(2) Am. S. J. R. 261, 1965; adopted 1965.)

SECTION 6. *Circuit Courts.*—(1) *Judicial Circuits.* The legislature may establish not more than twenty judicial circuits, each composed of a county or contiguous counties and of not less than fifty thousand inhabitants, according to the last census authorized by law, except that the county of Monroe shall constitute one of the circuits; provided, however, there shall be no reduc-

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tion in the number of circuit judges residing in any county formerly a part of a judicial circuit, which circuit is hereafter created, divided, changed or revised.

(2) *Circuit Judges.* The legislature shall provide for one circuit judge in each circuit for each fifty thousand inhabitants or major fraction thereof according to the last census authorized by law. In circuits having more than one judge the legislature may designate the place of residence of any such additional judge or judges.

(3) *Jurisdiction.* The circuit courts shall have exclusive original jurisdiction in all cases in equity except such equity jurisdiction as may be conferred on juvenile courts, in all cases at law not cognizable by subordinate courts, in all cases involving the legality of any tax, assessment, or toll, in the action of ejectment, in all actions involving the titles or boundaries of real estate, and in all criminal cases not cognizable by subordinate courts. They shall have original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the county court, or before county judges' courts, of all misdemeanors tried in criminal courts of record, and of all cases arising in municipal courts, small claims courts, and courts of justices of the peace. The circuit courts and judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction.

The circuit courts and circuit judges shall have such extra-territorial jurisdiction in chancery cases as may be prescribed by law.

(4) *Court Commissioners.* A circuit judge may appoint in each county in his circuit one or more attorneys at law, to be court commissioners, who shall have power in the absence from the county of the circuit judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the circuit judge. Their orders in such matters may be reviewed by the circuit judge, and confirmed, qualified or vacated. They may be removed by the circuit judge. The legislature may confer upon them further powers, not judicial, and shall fix their compensation.

(5) *Recommendation to Attorney General; Report to Legislature.* It shall be the duty of the judges of the circuit courts to report to the attorney general at least thirty days before each session of the legislature such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional legislation as may be deemed necessary. The attorney general shall report to the legislature at each session such legislation as he may deem advisable.

(6) *State Attorneys.* In each judicial circuit a state attorney shall be elected by the qualified electors of that circuit in the same manner as other state and county officials, to serve a term of four years and to fulfill duties prescribed by law.

(7) *Clerks of the Circuit Courts.* In each county a clerk of the circuit court, who shall also be clerk of the board of county commissioners, recorder, and ex officio auditor of the county, shall be elected by the qualified electors of that county in the same manner as other state and county officials, to serve a term of four years and to fulfill duties prescribed by law.

(Amended H. J. R. 810, 1955; adopted 1956; (1) Am. H. J. R. 59, 1963; adopted, 1964.)

SECTION 7. County Judges' Courts.—

(1) *Establishment.* There shall be a county judge's court in each county.

(2) *County Judges.* There shall be in each county a county judge or county judges in such number as the legislature shall provide who shall be elected by the qualified electors of the county at the time and places of voting for other county officers and shall hold office for four years. Compensation shall be as provided by law.

(3) *Jurisdiction.* The county judges' courts shall have original jurisdiction in all cases at law in which the demand or value of property involved shall be as provided by the legislature; of proceedings relating to the forcible or unlawful detention of lands and tenements; and of such criminal cases as the legislature may prescribe. The county judges' courts shall have jurisdiction of the settlement of the estate of decedents and minors, to order the sale of real estate of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. The county judge shall have the power of committing magistrates.

(4) *Prescribed Qualification Authorized.* The legislature may require by special act, subject to approval by referendum within the county, that the county judge of any county be a member of the Florida Bar; provided such law shall not affect the term of office or the reelection of any county judge holding office on the date of its enactment who is not a member of the Florida Bar.

(Amended H. J. R. 810, 1955; adopted 1956; (2A) added H. J. R. 1649, 1965; adopted, 1965; Amended S. J. R. 662; 1965; adopted 1966; (4) added H. J. R. 175, 1965; adopted 1966.)

SECTION 8. County Courts; organization and officers.—The legislature may organize in such counties, as it may think proper, county courts which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors. The county judge shall be the judge of said court. There shall be elected by the qualified electors of said county at the time when the said judge is elected a prosecuting attorney for said county, who shall hold office for four years. His duties and compensation shall be prescribed by law. Such courts may be abolished at the pleasure of the legislature.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 9. Criminal Courts of Record.—(1) *Organization and Judges.* The legislature may provide for the establishment of a criminal court of record in any county. Judges of criminal courts of record shall be elected for a term of four years by the qualified electors of the county, in the same manner as other state and county officials. Their compensation shall be fixed by law and paid by the county.

In any county having a population in excess of 125,000 and not more than 250,000 according to the last decennial federal census, or census authorized by the legislature and paid for by the county, the legislature may provide for an additional judge of the criminal court of record for such county, provided that any law having for its purpose the creating of an additional judge of said court in such county shall not become effective unless ratified by a majority of the participating voters of such county in an election presenting the same for

approval or rejection. In any county having a population of more than 250,000 according to such census, the legislature may, without referendum thereon, provide for one additional county judge for each additional 250,000 of population or major fraction thereof.

(2) *Jurisdiction.* The said courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.

(3) *Terms.* There shall be six terms of said courts in each year.

(4) *Prosecuting Attorney; Term.* There shall be for each of said courts a prosecuting attorney who shall be elected for a term of four years by the qualified electors of the county as other state and county officials are elected and whose compensation shall be fixed by law.

(5) *Indictment and Information.* All offenses triable in said court shall be prosecuted upon information under oath, to be filed by the prosecuting attorney, but the grand jury of the circuit court for the county in which said criminal court is held may indict for offenses triable in the criminal court. Upon the finding of such indictment the circuit judge shall commit or bail the accused for trial in the criminal court, which trial shall be upon information.

(6) *Criminal Courts of Record Supersede Criminal Jurisdiction of County Courts.* The county courts in counties where such criminal courts are established shall have no criminal jurisdiction and no prosecuting attorney.

(7) *Clerk.* The clerk of said court shall be elected by the electors of the county in which the court is held and shall hold office for four years, and his compensation shall be fixed by law. He shall also be clerk of the county court. The sheriff of the county shall be the executive officer of said court, and his duties and fees shall be fixed by law.

(8) *State Attorney eligible for Appointment as County Solicitor.* The state attorney residing in the county where such court is held shall be eligible for appointment as county solicitor for said county.

(9) *Criminal Courts of Record may be Abolished by Legislature.* Such courts may be abolished by the legislature.

(10) The clerk of the circuit court in and for Palm Beach county shall also be and serve as the clerk of the Palm Beach county criminal court of record.

(Amended H. J. R. 810, 1955; adopted 1956; (10) added H. J. R. 586, 1965; adopted 1965.)

SECTION 9A. *Additional judge, Duval County criminal court of record.*— From and after the adoption of this Amendment, there shall be a Judge of the Criminal Court of Record of Duval County, Florida, in addition to the Judge of said Criminal Court of Record already provided in said county, said Judge shall be elected at the General Election next succeeding the coming into effect of this Amendment, except as otherwise provided herein, and shall hold office for four years and receive the same salary and allowances for expenses as is provided by law for the Judge of a Criminal Court of Record of Duval County. He shall have all powers and perform all duties and possess all qualifications that are or may be provided or prescribed by the Constitution or by statute for the Judge of the Criminal Court of Record of Duval County, and all statutes concerning said Judge shall apply to him. Provided, however, that if there be a judge of a Provisional Criminal Court in Duval County upon the adoption of this Amendment, such Judge shall become such additional Judge, and shall be

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commissioned by the Governor to hold office as a Judge of the Criminal Court of Record of Duval County, until his successor is duly elected and qualified.

On and after the first Tuesday after the first Monday in January, 1965, the State Attorney of the Fourth Judicial Circuit shall be the prosecuting attorney of the Criminal Court of Record of Duval County, Florida, and the office of County Solicitor, the position of Assistant County Solicitor, the position of Special Investigator for the County Solicitor in Duval County, shall stand abolished and terminated; and thereafter the State Attorney and his Assistant Attorneys, under his direction, shall perform all the duties and functions of office heretofore performed by the County Solicitor. Pending informations filed in the Criminal Court of Record shall not be invalidated hereby, and the State Attorney, or his Assistant State Attorneys, may file amended informations in any such cases if and when necessary. The Legislature may provide for Assistant State Attorneys and Special Investigators for the State Attorney of the Fourth Judicial Circuit, and all Assistant State Attorneys of said Fourth Judicial Circuit shall be appointed by the State Attorney and sworn in by the Court, and such Assistant State Attorneys shall work under the direction of the State Attorney and shall have full authority to do and perform any official duties and acts that the State Attorney may do and perform within said Fourth Judicial Circuit.

Upon this amendment being adopted all funds appropriated by law approved by the Budget Commission and budgeted by the Board of County Commissioners of Duval County, Florida, and for the purpose of employing Assistant County Solicitors and other office personnel shall thereafter be used for the operation of the State Attorneys office of the Fourth Judicial Circuit, and for the employing of Assistant State Attorneys and other personnel, of that office, and the State Attorney is hereby authorized to employ such personnel, including Assistant State Attorneys and investigators in the same number and to be paid the same salary as the number of Assistant County Solicitors and investigators employed by the County Solicitor of Duval County, Florida.

(Added S. J. R. 777, 1955; adopted 1956.)

(Amended S.J.R. 218, 1961; adopted 1962.)

SECTION 9B. *Dade County, state attorney as prosecuting attorney, criminal court of record.*—On and after the first Tuesday after the first Monday in January, 1957, the State Attorney of the Eleventh Judicial Circuit in and for Dade County, Florida, shall be the prosecuting attorney of the Criminal Court of Record and the Court of Crimes of Dade County, and the office of County Solicitor, the position of Assistant County Solicitor, the positions of process server and investigator in Dade County, shall stand abolished and terminated; and thereafter the State Attorney and his Assistant State Attorneys, under his direction, shall perform all the duties and functions of office heretofore performed by the County Solicitor. Pending informations filed in the Criminal Court of Record or Court of Crimes shall not be invalidated hereby, and the State Attorney, or his Assistant State Attorneys, may file amended informations in any such cases if and when necessary. The Legislature may provide for Assistant State Attorneys and special investigators for the State Attorney of Dade County, and all Assistant State Attorneys shall be appointed by the State Attorney and sworn in by the Court, and such Assistant State Attorneys shall work under the direction of the State Attorney and shall have full authority to do and perform any official act that the State Attorney may do and perform.

Upon this amendment being adopted all funds appropriated by law approved by the Budget Commission and budgeted by the Board of County Com-

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missioners of Dade County for the use of office of County Solicitor of Dade County, Florida, and for the purpose of employing Assistant County Solicitors and other office personnel shall thereafter be used for the operation of the State Attorney's Office of the Eleventh Judicial Circuit in and for Dade County, and the employing of Assistant State Attorneys and other personnel for the operation of that office, and the said State Attorney is hereby authorized to employ such personnel, including Assistant State Attorneys, process servers and investigator, in the same number and to be paid the same salary as the number of Assistant County Solicitors, process servers and investigator employed by the County Solicitor of Dade County, Florida.

(Added S. J. R. 1201, 1955; adopted 1956.)

SECTION 9C. *Hillsborough County, offices of the State Attorney and County Solicitor.*—On and after the first Tuesday after the first Monday in January, 1969, there shall be a Prosecuting Attorney of the Criminal Court of Record of Hillsborough County to be known as County Solicitor who shall be a separate official elected for a term of four years by the qualified electors of the County as other state and county officials are elected and whose compensation shall be fixed by law. Said County Solicitor shall perform the functions and duties of a County Solicitor in the Criminal Court of Record of Hillsborough County, Florida, as prescribed by law in all noncapital felony cases and other lesser offenses in said Court's jurisdiction.

After said time there shall also be a State Attorney of the Thirteenth Judicial Circuit in and for Hillsborough County who shall be a separate official elected by the qualified electors of that circuit in the same manner as other state and county officials to serve a term of four years who shall fulfill the duties prescribed by law, including, but not limited to, prosecution of all capital felony cases.

The legislature may provide for Assistant State Attorneys and Special Investigators for the State Attorney and for Assistant County Solicitors and Special Investigators for the County Solicitor of Hillsborough County, Florida, and all Assistant State Attorneys and Assistant County Solicitors and Investigators shall be appointed by the State Attorney and the County Solicitor respectively and sworn in by the Court, and such Assistant State Attorneys and County Solicitors shall work under the direction of said State Attorney and County Solicitor and shall have full authority to do and perform any of the official duties and acts that the State Attorney and County Solicitor may do and perform.

Pending informations filed in the Criminal Court of Record of Hillsborough County shall not be invalidated by this amendment or affected in any way hereby; and the County Solicitor may file amended informations in any such cases if and when necessary.

The County Commissioners shall, upon this amendment becoming effective, apportion the funds appropriated for the operation of the State Attorney's Office between the State Attorney's Office and the County Solicitor's Office on the basis of the case load, personnel assigned in the State Attorney's Office to handle the duties of the newly created County Solicitor, and the cost of operations of said two offices. Thereafter, the Board of County Commissioners of Hillsborough County shall appropriate such funds as to them may be reasonably required for the operation of the State Attorney's Office and County Solicitor's Office.

It is the express intent of the Legislature and the electors of the State of Florida to create offices of the State Attorney and County Solicitor in Hills-

borough County, Florida, which shall be separate, distinct, and unconnected with each other so that the same shall be and exist as they did in said County before the first Tuesday after the first Monday in January of 1961.

(Added S. J. R. 532, 1957; adopted 1958; Amended S. J. R. 6, 1965; adopted 1966.)

SECTION 10. *Court of Record of Escambia County.*—In Escambia County there shall be a court of record with two or more judges as the legislature may provide, who shall be elected for a term of six years by the qualified electors of said county as other county officials are elected, and whose compensation shall be fixed by the legislature. Said court shall have exclusive jurisdiction of all criminal cases not capital and, concurrent with the circuit court of said county and the judges thereof, the same original jurisdiction of all cases and matters and the same power and authority to issue all writs as the circuit court of said county and the judges thereof, excepting the power to summon and empanel a grand jury, and jurisdiction of such other matters as the legislature may provide. The rules of procedure and practice applicable to the circuit court of said county shall obtain in the court of record.

The provisions of this constitution and all laws enacted in consonance therewith pertaining to circuit courts and the officers thereof and to appeals and writs of error from circuit courts, including the manner of the appointment or election and the terms of office and compensation of said officers, shall apply with like effect to the court of record of Escambia County and the officers thereof except as otherwise provided in this section; provided that the compensation and expense allowances of said judges of said court of record shall be paid by Escambia County and shall be the same as paid to and received from all sources by judges of the circuit court of said county resident in said county.

At the request of a judge of the circuit court of Escambia County evidenced as now provided by law a judge of the court of record may assume and perform in every respect the jurisdiction and duties of the circuit court of Escambia County or a judge thereof, including the trial of capital cases and the power to summon and empanel a grand jury; and at the request of a judge of the court of record evidenced as now provided by law a judge of the circuit court of Escambia County may assume and perform in every respect the duties and jurisdiction of the court of record of Escambia County or a judge thereof.

There shall hereafter be elected for a term of four years by the qualified electors of Escambia County, Florida, a prosecuting attorney, who shall be known as "County Solicitor of Escambia County, Florida", and who shall be the prosecuting attorney in the Court of Record in and for Escambia County, Florida, and his duties and compensation shall be fixed by law. An election for County Solicitor shall be held at the general election in 1958, and each four years thereafter, and the person elected at any such election shall take office the first Tuesday after the first Monday in January succeeding the date of the election. Any person now occupying such office or who shall hereafter be appointed to fill any vacancy therein shall continue in office until the election and qualification of a County Solicitor hereunder.

All offenses triable in the Court of Record in and for Escambia County, Florida, shall be prosecuted upon information under oath, to be filed by the County Solicitor, but the Grand Jury of the Circuit Court for Escambia County, Florida, may indict for offenses triable in said Court. Upon the finding of any such indictment the Circuit Judge shall admit to bail or commit the accused pending trial in the Court of Record in and for Escambia County, Florida, and trial shall be upon information filed by the County Solicitor.

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The Clerk of said Court shall be elected by the electors of Escambia County at the General Election in 1960 and each four years thereafter, and the person elected shall hold office for four years. The compensation and duties of the Clerk shall be fixed by law. The Clerk of the Court of Record in and for Escambia County, Florida, elected at the General Election of 1956 and any successor appointed to fill any vacancy in said office which may occur, shall hold office until the first Tuesday after the first Monday, January, 1961.

The sheriff of the County shall be the executive officer of said Court and his duties and compensation shall be fixed by law.

In event of vacancy in the office of County Solicitor, Clerk or other officer of the Court of Record in and for Escambia County, Florida, from any cause, the successor to fill such vacancy shall be appointed by the Governor to serve for the unexpired term of such office which has become vacant.

(Amended H. J. R. 83-XX, 1956, adopted 1956.)

SECTION 11. Courts of Justices of the Peace.—(1) *Districts and Presiding Officer.* There shall be not more than five justice districts in each county, and there shall be elected one justice of the peace for each justice district, who shall hold office for four years. Existing justice districts are hereby recognized, but the legislature may, by special act, from time to time change the boundaries of any such district now or hereafter established, and may establish new or abolish any such district now or hereafter existing. Provided, however, that any such changes shall be submitted to the people of any county so affected, by referendum at the next ensuing general election.

(2) *Jurisdiction.* The justices of the peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed \$100.00, and in which the cause of action accrued or the defendant resides in his district; and in such criminal cases, except felonies, as may be prescribed by law, and he shall have power to issue process for the arrest of all persons charged with felonies and misdemeanors not within his jurisdiction to try, and make the same returnable before himself or the county judge for examination, discharge, commitment or bail of the accused. Justices of the peace shall have the power to hold inquests of the dead. Appeal from justices of the peace courts in criminal cases may be tried de novo under such regulations as the legislature may prescribe.

(3) *Constables.* A constable shall be elected by the registered voters in each justice's district, who shall perform such duties, and under such regulations as may be prescribed by law.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 11A. Orange county; boundaries of justice of peace districts.—The board of county commissioners of Orange County may at any time upon resolution, alter, change or revise the boundary of any justice of the peace district within Orange County without referendum; provided that no existing justice of the peace district shall be dissolved or otherwise eliminated except as otherwise provided by law. A public hearing shall be held on the proposed resolution with ten days' notice published in a newspaper of general circulation in the county.

(Added H. J. R. 748, 1965; adopted 1966.)

SECTION 12. Juvenile Courts; establishment; jurisdiction; judge; officers; procedure.—The legislature shall have power to create and establish juvenile courts in such county or counties or districts within the state as it may deem proper, and to define the jurisdiction and powers of such courts and the officers

thereof, and to vest in such courts exclusive original jurisdiction of all or any criminal cases where minors under any age specified by the legislature from time to time are accused, including the right to define any or all offenses committed by any such persons as acts of delinquency instead of crimes; to provide for the qualification, election or selection and appointment of judges, probation officers and such other officers and employees of such courts as the legislature may determine, and to fix their compensation and term of office; all in such manner, for such time, and according to such methods as the legislature may prescribe and determine, without being limited therein by the provisions in this constitution as to trial by jury in Sections 3 and 11 of the Declaration of Rights, as to the use of the terms "prosecuting attorney" and "information" in Section 10 of the Declaration of Rights, as to election or appointment of officers in Section 27 of Article 3, as to jurisdiction of criminal cases in Sections 6, 7, 9, and 11 of this Article, as to original jurisdiction of the interests of minors in Section 6 of this Article, and as to style of process and prosecuting in the name of the state in Section 20 of this Article, or other existing conflicting provisions of this constitution.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 13. *Eligibility requirements for justices and judges.*—No person shall be eligible for the office of justice of the supreme court or judge of a district court of appeal unless he is a citizen of this state, and unless he is, at the time, a member of the Florida Bar in good standing and for a period of at least ten years has been a member of the bar of Florida; and no person shall be eligible for the office of judge of a circuit court or criminal court of record who is not twenty-five years of age and a member of the bar of Florida. Any senator or member of the house of representatives otherwise qualified shall be eligible for appointment or election to any judicial office which may have been created, or the emoluments whereof may have been increased, during the time for which he was elected.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 13A. *Eligibility Requirements for justices and certain judges.*—

(1) No person shall be eligible for the office of justice of the supreme court or judge of a district court of appeal unless he is a citizen of this state, and unless he is, and for a period of ten years has been, a member of The Florida Bar; and no person shall be eligible for the office of judge of a circuit court unless he is a citizen of this state and unless he is, and for a period of five years has been, a member of The Florida Bar. The judges of other courts shall be citizens of this state and residents of the county served. Any senator or member of the house of representatives otherwise qualified shall be eligible for appointment or election to any judicial office, notwithstanding that it may have been created or its emoluments increased during the time for which he was elected.

(Added CS for S. J. R. 485, 1965; adopted 1966.)

SECTION 14. *Vacancies in office of judge, how filled.*—When the office of any judge shall become vacant from any cause, the successor to fill such vacancy shall be appointed or elected only for the unexpired term of the judge whose death, resignation, retirement, or other cause created such vacancy.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 15. *Election of judges.*—Circuit judges shall be elected by the qualified electors of their respective judicial circuits as other state and county officials are elected.

Judges of district courts of appeal shall be elected by the qualified electors of their respective districts as other state and county officials are elected.

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Justices of the supreme court shall be elected by the qualified electors of the state as other state and county officials are elected.

The judges of district courts of appeal identified as belonging to Group "A" shall be elected in 1958 and every six years thereafter; those identified as belonging to Group "B" shall be elected in 1960 and every six years thereafter; and those identified as belonging to Group "C" shall be elected in 1962 and every six years thereafter.

Election of circuit judges shall be held in the year 1960 and every six years thereafter.

Two justices of the supreme court shall be elected in 1958 and every six years thereafter; three justices of the supreme court shall be elected in 1960 and every six years thereafter; two justices of the supreme court shall be elected in 1962 and every six years thereafter.

Such elected justices and judges shall take office on the first Tuesday after the first Monday in the following January.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 16. *Terms of office of certain judges.*—The terms of office of justices of the supreme court, judges of district courts of appeal, and circuit judges shall be six years.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 17. *Retirement, suspension and removal of judges.*—Notwithstanding the provisions of this Article relating to terms of office:

(1) All justices and judges shall automatically retire at age 70;

(2) Subject to rules of procedure to be established by the supreme court, and after notice and hearing, any justice or judge may be retired for disability at retirement pay to be fixed by law, which shall not be less than two-thirds of his then compensation if he has served for ten years or more, by a commission composed of one justice of the supreme court to be selected by that court, two judges of the district courts of appeal to be selected by the judges of said district courts of appeal, and two circuit judges and two county judges to be selected by the supreme court.

(3) Any justice of the supreme court, judge of the district court of appeal, or circuit judge shall be liable to impeachment for any misdemeanor in office.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 17A. *Discipline, retirement and removal of justices and certain judges.*—

(1) Except as it provides for mandatory retirement, this section shall apply to every justice of the supreme court and judge of the district courts of appeal and circuit courts. It shall be the sole method of disciplining, automatically or involuntarily retiring or removing such justices or judges, provided that all such justices or judges shall be liable to impeachment for any misdemeanor in office. All justices and judges shall automatically retire at age seventy except those who held any judicial office on July 1, 1957; provided, however, that such mandatory retirement shall not prohibit a justice or judge from serving the entire term to which he was appointed or elected if he attains his 70th birthday after serving at least one-half of such term.

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

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(a) Two judges of the district courts of appeal appointed by the judges of those courts and two circuit court judges appointed by the judges of those courts.

(b) Two members of The Florida Bar, who shall have practiced law in this state for at least eight years, appointed by the board of governors of The Florida Bar; and

(c) Three citizens, each of whom shall have been a resident of this state for at least five years, neither of whom shall be a justice or judge of any court, active or retired, nor a member of The Florida Bar, appointed by the governor. When a member appointed under paragraph (a) ceases to be a judge of the court from which he was appointed or a member appointed under paragraph (b) ceases to be a member of The Florida Bar, or a member appointed under paragraph (c) becomes a justice or judge of any court or a member of The Florida Bar, his membership on the commission shall terminate and a successor shall be appointed for the remainder of his term. No member of the commission appointed under paragraphs (b) or (c) shall be eligible to succeed himself. Except as provided herein, no member of the commission shall hold a public office and no member shall hold office in a political party. The compensation and terms of office of members of the commission shall be fixed by law, provided that not more than one third of the terms of the members shall terminate in any two year period. No recommendation of the commission to the supreme court shall be valid unless concurred in by two thirds of its members. The commission shall elect one of its members to serve as chairman.

(3) Any justice or judge to whom this section applies may be disciplined by private reprimand or removed from office for willful or persistent failure to perform his duties or habitual intemperance or conduct unbecoming a member of the judiciary or he may be involuntarily retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature. After such investigation as it deems necessary, the judicial qualifications commission may conduct a hearing concerning the removal, discipline or retirement of a justice or judge or request the supreme court to appoint three special referees, who shall be active or retired justices or judges of courts of record, to hear and take evidence in any such matter, and to report thereon to the commission. All hearings shall be held in the county in which the justice or judge involved resides. Testimony shall be under oath, administered by a member of the commission or a special referee, and subject to the penalties for perjury. If after hearing, or after considering the record and report of the referees, the commission finds good cause therefor, it shall recommend to the supreme court the removal, discipline or retirement of the justice or judge. The supreme court shall review the record of the proceedings on the law and facts and shall order removal, discipline or retirement, as it finds just and proper, or wholly reject the commission's recommendation. Upon an order for involuntary retirement for disability, the justice or judge shall thereby be retired at retirement pay to be fixed by law which as to a justice of the supreme court, judge of a district court of appeal or circuit judge shall not be less than two thirds of his then compensation if he has served for ten years or more as justice or judge of such court or courts. Upon an order for removal, the justice or judge shall thereby be removed from office, and his salary shall cease from the date of such order. The supreme court shall make rules providing for the procedure before the commission and the referees and the extent to which communications shall be privileged or confidential, provided that upon the entry of an order of discipline, removal or retirement the record shall no longer remain confidential. A justice or judge shall be disqualified in

any proceeding involving his own discipline, retirement or removal. The supreme court shall by rule provide for the disqualification of any member of the commission or referee and for the ad hoc appointment of a person to take the place of a disqualified person.

(4) In the event a judge is removed from office, his judicial service shall not provide immunity from disciplinary proceedings for professional misconduct performed during his term of office or prior thereto.

(Added S. J. R. 485, 1965; adopted 1966.)

SECTION 18. *Prohibited activities of judges.*—Justices of the supreme court, judges of district courts of appeal and circuit judges shall devote full time to their judicial duties, shall not engage in the practice of law or hold any office or position of profit under this state or any office of profit under the United States, and shall not hold office in any political party.

Compensation for service in the state militia or the armed forces of the United States or other defense agencies recognized by the supreme court for such periods of time as may be determined by the supreme court shall not be deemed profit.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 19. *Judicial salaries and expenses.*—Justices of the supreme court and judges of all other courts shall receive for their services salaries or compensation provided by law. A retired justice or judge assigned to active judicial service shall, while so serving, receive as additional compensation the difference between his retirement benefits and the compensation applicable to such service. Salaries of circuit judges may be supplemented in any county or counties when authorized by law. Judicial officers shall be paid such actual and necessary expenses as may be authorized by law.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 20. *Style of process.*—The style of all process shall be “The State of Florida” and all prosecutions shall be conducted in the name and by the authority of the State.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 21. *Referees.*—Any civil cause may be tried before a practicing attorney as referee upon the applications of the parties and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. The referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the clerk; and the cause shall be subject to an appeal in the manner prescribed by law.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 22. *Juries.*—The number of jurors for trial of causes in any court may be fixed by law but shall not be less than six in any case.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 23. *Admission and discipline of attorneys.*—The supreme court shall have exclusive jurisdiction over the admission to the practice of law and the discipline of persons admitted. It may provide for an agency to handle admissions subject to its supervision. It may also provide for the handling of disciplinary matters in the circuit courts and the district courts of appeal, or by commissions consisting of members of the bar to be designated by it, the supreme court, subject to its supervision and review.

(Amended H. J. R. 810, 1955; adopted 1956.)

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SECTION 24. *Effect of reduction of number of judges.*—Any law reducing the number of judges of any court shall not shorten the term of any judge then in office.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 25. *Judicial Officers as conservators of the peace.*—All judicial officers in this state shall be conservators of the peace.

(Amended H. J. R. 810, 1955; adopted 1956.)

SECTION 26. *Schedule.*—(1) This Article shall become effective on the first day of July 1957 and shall replace all of Article V, and shall supersede any other provisions of the present constitution of Florida in conflict herewith, which shall then stand repealed.

(2) Until changed by law as authorized in this Article, the appellate districts shall be composed as follows:

FIRST DISTRICT:

The 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, and 14th judicial circuits as presently constituted.

SECOND DISTRICT:

The 6th, 9th, 10th, 12th, and 13th judicial circuits as presently constituted.

THIRD DISTRICT:

The 11th, 15th, and 16th judicial circuits as presently constituted.

(3) The provisions of the Article governing eligibility for office shall not affect the right of any incumbent to continue in office or to seek reelection.

(4) Except to the extent inconsistent with the provisions of this Article, all provisions of law and rules of court in force on the effective date of this Article shall continue in effect until superseded in a manner authorized by the constitution.

(5) Judges of the district courts of appeal appointed by the governor shall take office on the effective date of this Article.

(6) The supreme court may transfer to the respective district courts of appeal such causes, matters and proceedings as are pending in the supreme court on the effective date of this Article which are within the jurisdiction of such courts as the supreme court may see fit. No case that has been orally argued before the supreme court shall be so transferred. The supreme court shall have and retain jurisdiction and authority over all causes, matters and proceedings not so transferred to the district courts of appeal.

(7) All trial courts as organized and constituted on the effective date of this Article shall, except as otherwise provided herein, continue with their jurisdiction, judges and officers, including the manner of their election or appointment, until otherwise provided by the legislature.

(8) Until otherwise provided by law, there shall be an additional judge for the Fourth Judicial Circuit who shall reside in Duval County, and shall receive the same salary and allowances for expenses as other circuit judges in and for the circuit court of said county, which salary and expenses shall be paid by said county out of its general revenue. The additional judge of the circuit court of Duval County holding office on the effective date of this Article under former Section 42 of Article V shall become the additional judge here provided for until the expiration of his then term of office.

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(9) There shall be an additional circuit judge for the circuit court of the judicial circuit wherein the state capital is located. Subsequent to the first Tuesday after the first Monday in January 1957, the governor shall appoint the first judge hereunder to serve for a term expiring on the first Tuesday after the first Monday in January 1959, following the election of his successor at the general election in November 1958, which successor shall serve for a term expiring on the first Tuesday after the first Monday in January 1961, following the election of his successor at the general election in November 1960, which successor shall serve for the full term and his successors chosen as otherwise provided for circuit judges.

(10) Until otherwise provided by the legislature, orders of the Florida Industrial Commission shall be subject to review only by petition to the district courts of appeal for writ of certiorari.

(11) All provisions of law pertaining to the State Board of Law Examiners shall continue in effect until superseded in a manner authorized by this Article.

(12) This Article shall not disturb the terms of incumbent judges.

(13) The provision for automatic retirement in Section 17 of this Article does not apply to any person now holding office.

(14) Upon the adoption of this Article, the legislature shall enact such laws and make such appropriations and the supreme court shall make such rules as may be necessary or proper to give effect to its provisions.

(Amended H. J. R. 810, 1955, adopted 1956.)

ARTICLE VI SUFFRAGE AND ELIGIBILITY

- Sec. 1. Electors. 2. Registration of electors. 3. Oath of electors. 4. Disqualified persons. 5. Power to exclude criminals from holding office and right to vote. Sec. 6. Elections; method of voting. 7. (Repealed) 8. Poll tax. 9. Legislature to enact laws to preserve purity of ballot.

SECTION 1. Electors.—Every person of the age of twenty-one years and upward that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year and in the county for six months, shall in such county be deemed a qualified elector at all elections under this constitution. Provided however, the legislature may provide for voting in national elections for president and vice-president of the United States by persons who have become residents of the State of Florida but who have not yet fulfilled the residency requirements of electors.

(Amended H. J. R. 2, 1893; adopted 1894; Amended H. J. R. 344, 1965; adopted 1966.)

cf.—19th Amendment to U. S. Constitution

SECTION 2. Registration of electors.—The Legislature, at its first session after the ratification of this Constitution, shall provide by law for the registration of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

The legislature may provide for the registration of electors who are mem-

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bers of the armed forces, and their spouses, living outside the territorial limits of the state.

(Amended H. J. R. 813, 1959; adopted 1960.)

SECTION 3. Oath of electors.—Every elector shall at the time of his registration take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty one years of age, and have been a resident of the State of Florida for twelve months and of this county for six months, and I am qualified to vote under the Constitution and laws of the State of Florida."

SECTION 4. Disqualified persons.—No person under guardianship, non compos mentis or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

SECTION 5. Power to exclude criminals from holding office and right to vote.—The Legislature shall have power to, and shall, enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, with in the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny or of infamous crime, or who shall make, or become directly or indirectly interested in, any bet or wager, the result of which shall depend upon any election; or that shall hereafter fight a duel or send or accept a challenge to fight, or that shall be second to either party, or that shall be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SECTION 6. Elections; method of voting.—In all elections by the Legislature, the vote shall be viva voce, and in all elections by the people, the vote shall be by ballot.

SECTION 7. (Repealed).

(Section repealed by amendment, Joint Resolution 2, Acts 1893; adopted at general election, 1894).

SECTION 8. Poll tax.—The Legislature shall have power to make the payment of the capitation tax, a prerequisite for voting, and all such taxes received shall go into the school fund.

SECTION 9. Legislature to enact laws to preserve purity of ballot.—The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution.

ARTICLE VII

CENSUS AND APPORTIONMENT

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| Sec. | 1. Composition of first legislature. | Sec. | 4. Senatorial district to be composed of contiguous counties. |
| | 2. Number of members of senate and house of representatives; terms. | | 5. State census. |
| | 3. Apportionment of representation in senate and house of representatives. | | |

SECTION 1. Composition of first legislature.—The Senators representing the odd numbered districts, as said districts are now designated, whose terms have not expired, and those Senators representing even numbered districts, to be elected A. D. 1886, under the Constitution of 1868, shall be the first Senate under this Constitution; and the members of the Assembly to be elected A. D. 1886, shall be the first House of Representatives under this Constitution, and

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the Senate and House of Representatives thus constituted shall be the first Legislature under this Constitution, and the terms of office of each of the said Senators and members of the House of Representatives shall expire at the election for Senators and members of the House of Representatives A. D. 1888, and in that year a new Senate and House of Representatives shall be elected.

SECTION 2. *Number of members of senate and house of representatives; terms.*—The Legislature shall consist of not more than thirty-two members of the Senate, and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years except as hereinafter provided. The election for members of the House of Representatives and Senate shall be at the same time and places. The terms of office of the Senators elected in Oct. A. D. 1896, shall expire on the first Tuesday after the first Monday in November A. D. 1900 and the terms of office of those elected in November A. D. 1898 shall expire on the first Tuesday after the first Monday in November A. D. 1902, and thereafter all Senators shall be elected for Four Years.

(Amended, Joint Resolution 5, Acts 1895; adopted at general election, 1896).

cf.—§3, Art. VII, Florida Constitution.

SECTION 3. *Apportionment of representation in senate and house of representatives.*—The Legislature that shall meet in regular session A. D. 1925, and those that shall meet every ten years thereafter, shall apportion the Representation in the Senate, and shall provide for thirty-eight (38) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each district shall have one Senator; and, at the same time, the Legislature shall also apportion the Representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous counties, and two (2) Representatives to each of the next eighteen more populous counties, and one Representative to each of the remaining counties of the State at the time of such apportionment. Should the Legislature fail to apportion the Representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the Representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, which ever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to reapportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in extraordinary session to consider the question of reapportionment and such extraordinary session of the Legislature is hereby mandatorily required to reapportion the representation as required by this amendment before its adjournment (and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is affected, and shall consider no business other than such reapportionment).

(Amended, Senate Joint Resolution 255, Acts 1923; adopted at general election, 1924).

SECTION 4. *Senatorial district to be composed of contiguous counties.*—Where any Senatorial District is composed of two or more counties, the coun-

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ties, of which such district consists, shall not be entirely separated by any county belonging to another district. Any new county that may be created, shall be entitled to one member in the House of Representatives, in excess of the limit prescribed in Sec. 2 of this Article until the apportionment following next thereafter, and shall be assigned when created to one of the adjoining Senatorial Districts as shall be determined by the Legislature.

(Amended, Joint Resolution 1, Acts 1899; adopted at general election, 1900).
cf.—§3, Art. VII, Florida Constitution.

SECTION 5. State census.—The Legislature shall no longer be required to provide for an enumeration of the inhabitants of the State. The last preceding decennial Federal census beginning with the Federal census of 1950 shall also be the State census and shall control in all population Acts and constitutional apportionments, unless otherwise ordered by the Legislature.

(Amended S. J. Resolution No. 46, proposed 1949; adopted general election 1950.)

**ARTICLE VIII
COUNTIES AND CITIES**

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| <p>Sec.</p> <ol style="list-style-type: none">1. Counties as political divisions of state.2. Recognition of existing counties.3. Establishment of new counties.4. Removal of county seats.5. County commissioners and commissioners' districts.6. Election of county officers; terms.6A. Appointive county superintendents of public instruction; terms and employment.7. Bond of county officers; assistant assessor of taxes.8. Establishing and abolishing municipalities.9. Legislative power over city of Jacksonville and Duval county.10. Legislative power over city of Key West and Monroe county.10A. Assessment of state, county, municipal, etc., taxes in Monroe county.11. Dade county, home rule charter.12. Assessment of state, county, municipal, etc., taxes in Hillsborough county. | <p>Sec.</p> <ol style="list-style-type: none">13. Collection of state, county, municipal, etc., taxes in Hillsborough county.14. Assessment of state, county, municipal, etc., taxes in Saint Lucie county.15. Collection of state, county, municipal, etc., taxes in Saint Lucie county.16. Assessment of state, county, municipal, etc., taxes in Volusia county.17. Collection of state, county, municipal, etc., taxes in Volusia county.18. Assessment of state, county, municipal, etc., taxes in Broward county.19. Collection of state, county, municipal, etc., taxes in Broward county.20. Assessment of state, county, municipal, etc., taxes in Pinellas county.21. Collection of state, county, municipal, etc., taxes in Pinellas county.22. Authority of the Legislature as to assessment and collection of municipal taxes.23. Escambia county officers' salaries; disposition of fees.24. Hillsborough county, home rule charter. |
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SECTION 1. Counties as political divisions of state.—The State shall be divided into political divisions to be called counties.

SECTION 2. Recognition of existing counties.—The several counties as they now exist are hereby recognized as the legal political divisions of the State.

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

SECTION 4. Removal of county seats.—The Legislature shall have no power to remove the County Seat of any county, but shall provide by general law for

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such removal; Provided, That in the formation of new counties the County Seat may be temporarily established by law.

SECTION 5. *County commissioners and commissioners' districts.*—There shall be one County Commissioner in each of the five County Commissioner's districts in each county, which districts shall be numbered one to five inclusive, and shall be as nearly as possible equal in proportion to population. The Board of County Commissioners in the respective counties shall from time to time fix the boundaries of such districts. Said County Commissioners shall be elected by the qualified electors of said county at the time and place of voting for other county officers, and shall hold office for four years, Provided, that the County Commissioners elected from the even numbered districts in 1944 shall serve for two years, those elected in 1944 from the odd numbered districts shall serve for four years, and thereafter the terms shall be for four years; provided, that Section 11 of Article VIII of this Constitution shall not be affected hereby.

(Amended, Joint Resolution 3, S. J. R. 44, Acts 1899; adopted at general election, 1900. Further amended by Senate Joint Resolution No. 314, Acts of 1943; adopted general election, 1944).

SECTION 6. *Election of county officers; terms.*—The Legislature shall provide for the election by the qualified electors in each County of the following County Officers: A Clerk of the Circuit Court, a Sheriff, Constables, a County Assessor of Taxes, a Tax Collector, a Superintendent of Public Instruction and a County Surveyor. The term of office of all County officers mentioned in this Section shall be for four years, except that of County Assessor of Taxes, and County Tax Collector, who shall be elected for two years until at the general election to be held in the year A. D. 1918, when and after which they shall be elected for a term of four years. Their powers, duties and compensation shall be prescribed by law. The Legislature shall provide by law for the care and custody of all County funds and shall provide the method of reporting and paying out all such funds. Provided, County Treasurers elected in General Election held in 1914 shall hold office for the term elected.

(Amended, committee substitute for Joint Resolutions 34, 89 and 98, Acts 1913; adopted at general election, 1914).

SECTION 6A. *Appointive county superintendents of public instruction; terms and employment.*—In those counties authorized to appoint a superintendent of public instruction under Article XII of the state constitution the superintendent shall serve at the pleasure of the board provided that the board may enter into a contract of employment with such appointed county superintendent which contract shall not extend beyond the thirtieth day of June in the year in which the terms of a majority of the members of the board of public instruction shall expire. The county superintendent shall not be commissioned by the governor but shall be required to file with the county board of public instruction a good and sufficient bond and in such sum and upon such condition as the legislature by law shall prescribe for elective superintendents as provided by Section 7, Article VIII of the state constitution.

(Added S. J. R. 221, 1965; adopted 1966.)

SECTION 7. *Bond of county officers; assistant assessor of taxes.*—The Legislature shall by law authorize the County Commissioners of the several counties, where it is deemed necessary for assessment purposes to divide their respective counties into taxation districts, and to appoint in, and for each district, an Assistant Assessor of Taxes, whose powers, duties, and compensation shall be prescribed by law. All county officers, except Assistant Assessors of Taxes, shall, before entering upon the duties of their respective offices, be

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commissioned by the Governor; but no such commission shall issue to any such officer, until he shall have filed with the Secretary of State a good and sufficient bond, in such sum and upon such conditions, as the Legislature shall by law prescribe, approved by the County Commissioners of the county in which such officer resides, and by the Comptroller. No county officer shall become security upon the official bond of any other county officer. If any person elected, or appointed to any county office, shall fail to give bond and qualify within sixty days after his election, the said office shall become vacant.

SECTION 8. *Establishing and abolishing municipalities.*—The Legislature shall have power to establish, and to abolish, municipalities to provide for their government, to prescribe their jurisdiction and powers, and to alter or amend the same at any time. When any municipality shall be abolished, provision shall be made for the protection of its creditors

cf.—§§21 and 24, Art. III, Florida Constitution.

SECTION 9. *Legislative power over city of Jacksonville and Duval county.*—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum.

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(Section added by amendment Senate Joint Resolution 113, Acts 1933; adopted at general election, 1934).

SECTION 10. *Legislative power over city of Key West and Monroe County.*—The Legislature shall have power to establish, alter or abolish a Municipal corporation to be known as the City of Key West, extending territorially throughout the present limits of Monroe County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Monroe County and of the municipality in said county shall vest in such municipal corporation when established as herein provided. The offices of the Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit juries, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative Act providing for such amendment or extension shall provide for such referendum.

(Section added by amendment, Senate Joint Resolution 429, Acts 1935; adopted at general election, 1936).

SECTION 10A. *Assessment of state, county, municipal, etc., taxes in Monroe county.*—(1.) From and after January 1, 1956, the county tax assessor in the County of Monroe, State of Florida, shall assess all property for all state, county, school and municipal taxes to be levied in the county by the state, county, county school board, school district, special tax school districts, port districts, drainage districts, and any other taxing districts, and municipalities of the county.

(2.) The Legislature shall at the legislative session in 1955 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of the county tax assessor, designated in the first paragraph

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of this section, and shall likewise provide by law for the extension on the assessment roll of the county tax assessor of all taxes levied by the state, county, county school board, school districts, special tax school districts, port districts, drainage districts, and any other taxing districts and municipalities whose taxes may be assessed by the county tax assessor pursuant to the first paragraph of this section.

(Added H. J. R. 858, 1953; adopted 1954.)

SECTION 11. *Dade County, home rule charter.*—(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

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

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

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

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

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

(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

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

(h) May change the name of Dade County.

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

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

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

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

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

(6) Nothing in this section shall be construed to limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the state of Florida or to any municipality in Dade County and any other one or more municipalities of the

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State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

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

(8) If any section, subsection, sentence, clause or provisions of this section is held invalid as violative of the provisions of Section 1 Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

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

(Added, H. J. R. 858, 1941; adopted 1942; amended S. J. R. 1046, 1955; adopted, 1956.)

SECTION 12 (11)* *Assessment of state, county, municipal, etc., taxes in Hillsborough county.*—1. From and after January 1, 1946, the County Tax Assessor in the County of Hillsborough, State of Florida, shall assess all property for all State, County, School, and Municipal taxes to be levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session in 1945 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of County Tax Assessor, designated in paragraph 1 of this Section 12*, and shall likewise, provide by law for the extension on the assessment roll of the County Tax Assessor of all taxes levied by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

Amended S. J. R. 746, 1943; adopted 1944.

SECTION 13 (12)* *Collection of state, county, municipal, etc., taxes in Hillsborough county.*—1. From and after January 1, 1946, the County Tax Collector in the County of Hillsborough, State of Florida, shall collect all taxes levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

* Erroneously numbered by the Legislature.

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2. The Legislature shall at the Legislative Session of 1945, and from time to time thereafter enact laws specifying the powers, functions, duties, and compensation of County Tax Collector designated in paragraph 1 of this Section 13* and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the County Tax Collector.

(Sections added by Amendment Senate Joint Resolution No. 746, Acts of 1943; Adopted General Election 1944).

SECTION 14 (13) * *Assessment of state, county, municipal, etc., taxes in Saint Lucie county.*—1. From and after January 1, 1950, the County Tax Assessor in the County of Saint Lucie, State of Florida, shall assess all property for all State, County, School, and Municipal taxes to be levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session in 1949 and from time to time thereafter, enact laws, to take effect only after approval by the electors of said County at a referendum called for that purpose, specifying the powers, functions, duties and compensation of County Tax Assessor, designated in Paragraph 1 of this Section 14*, and shall likewise, provide by law for the extension on the assessment roll of the County Tax Assessor of all taxes levied by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

Amended H. J. R. 1379, 1947; adopted 1948.

SECTION 15 (14) * *Collection of state, county, municipal, etc., taxes in Saint Lucie county.*—1. From and after January 1, 1950, the County Tax Collector of the County of Saint Lucie, State of Florida, shall collect all taxes levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session of 1949, and from time to time thereafter enact laws, to take effect only after approval by the electors of said County at referendum called for that purpose, specifying the powers, functions, duties and compensation of County Tax Collector designated in Paragraph 1 of this Section 15*, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the County Tax Collector.

(Sections added by amendment House Joint Resolution No. 1379, Acts 1947; Adopted General Election 1948.)

SECTION 16. *Assessment of state, county, municipal, etc., taxes in Volusia county.*—1. From and after January 1, 1950, the County Tax Assessor in the County of Volusia, State of Florida, shall assess all property for State, County, School and Municipal taxes to be levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session in 1949 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensations of County Tax Assessor designated in Paragraph 1 of this Section 16, and shall likewise, provide by law for the extension on the assessment roll of the County Tax Assessor of all taxes levied by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

Amended S. J. R. 885, 1947; adopted 1948.

* Erroneously numbered by the Legislature.

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SECTION 17. *Collection of state, county, municipal, etc., taxes in Volusia county.*—1. From and after January 1, 1950, the County Tax Collector in the County of Volusia, State of Florida, shall collect all taxes levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session of 1949, and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of County Tax Collector designated in Paragraph 1 of this Section 17, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the County Tax Collector.

(Sections added by amendment House Joint Resolution No. 885, Acts 1947; Adopted General Election 1948.)

SECTION 18. *Assessments of state, county, municipal, etc., taxes in Broward county.*—1. From and after January 1, 1950, the County Tax Assessor in the County of Broward, State of Florida, shall assess all property for all State, County, School, and Municipal taxes to be levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts, Port Districts, Drainage Districts, and any other taxing districts, and municipalities which by ordinance request their taxes to be so assessed.

2. The Legislature shall at the Legislative Session in 1949, and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of County Tax Assessor, designated in the first paragraph of this Section, and shall likewise, provide by law for the extension on the assessment roll of the County Tax Assessor of all taxes levied by the State, County, County School Board, School Districts, Special Tax School Districts, Port Districts, Drainage Districts, and any other taxing districts, and municipalities, whose taxes may be assessed by the County Tax Assessor pursuant to the first paragraph of this section.

(Sections added by Amendment Senate Joint Resolution No. 984, Acts 1947; Adopted General Election 1948.)

SECTION 19. *Collection of state, county, municipal, etc., taxes in Broward county.*—1. From and after January 1, 1950, the County Tax Collector in the County of Broward, State of Florida, shall collect all taxes levied in the County by the State, County, County School Board, School Districts, Special Tax School Districts, Port Districts, Drainage Districts, and any other taxing districts, and municipalities, whose taxes may be assessed by the County Tax Assessor pursuant to the first paragraph of the preceding Section hereof.

2. The Legislature shall at the Legislative Session of 1949, and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of County Tax Collector designated in the first paragraph of this Section, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the County Tax Collector.

Amended S. J. R. 984, 1947; adopted 1948.

SECTION 20. (13)* *Assessment of state, county, municipal, etc., taxes in Pinellas county.*—1. From and after January 1, 1950, the County Tax Assessor in the County of Pinellas, State of Florida, shall assess all property for all State, County, School, and Municipal taxes to be levied in the county by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

* Erroneously numbered by the Legislature.

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2. The Legislature shall at the Legislative Session in 1949 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of County Tax Assessor, designated in Paragraph 1 of this Section 20*, and shall likewise, provide by law for the extension on the assessment roll of the County Tax Assessor of all taxes levied by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

(Section added by amendment House Joint Resolution No. 93, Acts 1947; adopted General Election 1948.)

SECTION 21 (14) * *Collection of state, county, municipal, etc., taxes in Pinellas county.*—1. From and after January 1, 1950, the County Tax Collector in the County of Pinellas, State of Florida, shall collect all taxes levied in the county by the State, County, County School Board, School Districts, Special Tax School Districts and Municipalities.

2. The Legislature shall at the Legislative Session of 1949, and from time to time thereafter enact laws specifying the powers, functions, duties and compensation of County Tax Collector designated in Paragraph 1 of this Section 21*, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the County Tax Collector.

(Section added by amendment House Joint Resolution No. 93, Acts 1947; Adopted General Election 1948.)

SECTION 22. *Authority of the Legislature as to assessment and collection of municipal taxes.*—The Legislature may, by general, special or local act provide for the assessment of the taxes of any municipality by the County Tax Assessor of the county wherein such municipality is located and the collection thereof by the County Tax Collector of such county; provided that no such act, except the provisions thereof for a referendum election, may become effective in any municipality until approved by a majority vote of the electors qualified to vote in such municipality, voting at an election called for such purpose, which election may be held separately or with any other election. Any such act shall provide for reasonable compensation for the County Tax Assessor and County Tax Collector for such additional duties to be paid by the municipality for which such duties are performed.

(Added H. J. R. 851, 1953; adopted 1954.)

SECTION 23. *Escambia County officers' salaries; disposition of fees.*—On and after the first day of October, 1957, all fees, revenues or other charges collected by the several county officers of Escambia county shall be paid into the general county fund of Escambia county subject to disbursement as provided by law. The legislature shall provide by local or special legislation for the salaries, expenses and compensation to be paid the several county officers of Escambia county. Any legislation which shall have heretofore been enacted in contemplation of the ratification of this amendment is hereby confirmed and shall have the same force and effect as if the said legislation were enacted subsequent to the ratification of this amendment.

(Added H. J. R. 155, 1955; adopted 1956.)

SECTION 24. *Hillsborough County, home rule charter.*—(1) The electors of Hillsborough county are hereby granted the power to adopt a charter for a government which shall exercise any and all powers for county and municipal purposes which this constitution or the legislature, by general, special or local law, has conferred upon Hillsborough county or any municipality therein. Such government shall exercise these powers by the enactment of ordinances which

* Erroneously numbered by the Legislature.

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relate to government of Hillsborough county and provide suitable penalties for the violation thereof. Such government shall have no power to create or abolish any municipality, except as otherwise provided herein.

(2) The method and manner by which the electors of Hillsborough county shall exercise this power shall be set forth in a charter for the government of Hillsborough county which charter shall be presented to said electors by any charter commission established by the legislature. The legislature may provide for the continuing existence of any charter commission or may establish a charter commission or commissions subsequent to any initial commission without regard to any election or elections held upon any charter or charters theretofore presented. A charter shall become effective only upon ratification by a majority of the electors of Hillsborough county voting in a general or special election as provided by law.

(3) The number, qualifications, terms of office and method of filling vacancies in the membership of any charter commission established pursuant to this section and the powers, functions and duties of any such commission shall be provided by law.

(4) A charter prepared by any commission established pursuant to this section shall provide that:

(a.) The governments of the city of Tampa and the county of Hillsborough shall be consolidated, and the structure of the new local government shall include:

1. An executive branch, the chief officer of which shall be responsible for the administration of government.

2. An elected legislative branch, the election to membership, powers and duties of which shall be as provided by the charter.

3. A judicial branch, which shall only have jurisdiction in the enforcement of ordinances enacted by the legislative branch created by this section.

(b.) Should the electors of the municipalities of Plant City or Temple Terrace wish to consolidate their governments with the government hereinabove created, they may do so by majority vote of the electors of said municipality voting in an election upon said issue.

(c.) The creditors of any governmental unit consolidated or abolished under this section shall be protected. Bonded or other indebtedness existing at the effective date of any government established hereunder shall be enforceable only against the real and personal property theretofore taxable for such purposes.

(d.) Such other provisions as might be required by law.

(5) The provisions of such charter and ordinances enacted pursuant thereto shall not conflict with any provision of this constitution nor with general, special or local laws now or hereafter applying to Hillsborough county.

(6) The government established hereunder shall be recognized as a county, that is one of the legal political subdivisions of the state with the powers, rights, privileges, duties and obligations of a county, and may also exercise all the powers of a municipality. Said government shall have the right to sue and be sued.

(7) Any government established hereunder shall be entitled to receive from the state of Florida or from the United States or from any other agency, public or private, funds and revenues to which a county is, or may hereafter be entitled, and also all funds and revenues to which an incorporated municipality is or may hereafter be entitled, and to receive the same without

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diminution or loss by reason of any such government as may be established. Nothing herein contained shall preclude such government as may be established hereunder from receiving all funds and revenues from whatever source now received, or hereinafter received provided by law.

(8) The board of county commissioners of Hillsborough county shall be abolished when the functions, duties, powers and responsibilities of said board shall be transferred in the manner to be provided by the charter to the government established pursuant to this section. No other office provided for by this constitution shall be abolished by or pursuant to this section.

(9) This section shall not restrict or limit the legislature in the enactment of general, special or local laws as otherwise provided in this constitution.

(CS for H. J. R. 1987, 1965; adopted 1966.)

**ARTICLE IX
TAXATION AND FINANCE**

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| <p>Sec.</p> <ol style="list-style-type: none">1. Uniform and equal rate of taxation; special rates.2. Legislature to provide for raising revenue; ad valorem taxes except on intangible property abolished.3. Taxes levied pursuant to law.4. Money drawn from treasury.5. Taxes for county and municipal purposes.6. Bonds; state, county, municipal.7. Taxing for benefit of chartered company prohibited.8. Payment of legally assessed taxes prerequisite to relief from illegally assessed taxes. | <p>Sec.</p> <ol style="list-style-type: none">9. Property exempt from taxation; widows and disabled persons.10. Credit of state not to be pledged or loaned.11. Income tax prohibited; inheritance tax; exemption for head of family.12. Exemption of industrial plants.13. Motor vehicles subject to single property tax.14. Exemption of motion picture studios.14A. Exemption; stock in trade.15. Allocation of excise taxes.16. Board of administration; gasoline and like taxes, distribution and use; etc.17. Bonds; land acquisition for outdoor recreation development. |
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SECTION 1. *Uniform and equal rate of taxation; special rates.*—The Legislature shall provide for a uniform and equal rate of taxation, except that it may provide for special rate or rates on intangible property, but such special rate or rates shall not exceed two mills on the dollar of the assessed valuation of such intangible property; provided, that as to any obligations secured by mortgage, deed of trust, or other lien, the Legislature may prescribe an intangible tax of not more than two (2) mills on the dollar, which shall be payable at the time, such mortgage, deed of trust, or other lien is presented for recordation, said tax to be in lieu of all other intangible assessments on such obligations. The special rate or rates, or the taxes collected therefrom, may be apportioned by the Legislature, and shall be exclusive of all other State, County, District and municipal taxes; and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, education, literary, scientific, religious or charitable purposes.

(Amended by Senate Joint Resolution 358, Acts 1923; adopted at general election, 1924).

(Further amended by House Joint Resolution No. 348 of 1943—adopted at general election 1944).

cf.—§§9, 12, 13, 14, Art. IX and §7, Art. X, Florida Constitution.

SECTION 2. *Legislature to provide for raising revenue; ad valorem taxes except on intangible property abolished.*—The Legislature shall provide for raising revenue sufficient to defray the expenses of the State, including State appropriations for the benefit of the uniform system of free public schools

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provided in accordance with Article XII of the Constitution, and of the State Institutions of higher learning, for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State; but after December 31st, A. D. 1940, no levy of ad valorem taxes upon real or personal property except intangible property, shall be made for any State purpose whatsoever; and Section 6 of Article XII be, and the same is hereby repealed.

(Amended S. J. R. 141, 1937; adopted 1938; Amended by Senate Joint Resolution 69, Acts 1939; adopted at general election, 1940).

SECTION 3. *Taxes levied pursuant to law.*—No tax shall be levied except in pursuance of law.

SECTION 4. *Money drawn from treasury.*—No money shall be drawn from the Treasury except in pursuance of appropriations made by law.

SECTION 5. *Taxes for county and municipal purposes.*—The Legislature shall authorize the several counties and incorporated cities or towns in the State to assess and impose taxes for county and municipal purposes, and for no other purposes, and all property shall be taxed upon the principles established for State taxation. But the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits. The Legislature may also provide for levying a special capitation tax, and a tax on licenses. But the capitation tax shall not exceed one dollar a year and shall be applied exclusively to common school purposes.

SECTION 6. *Bonds; state, county, municipal.*—The Legislature shall have power to provide for issuing State bonds only for the purpose of repelling invasion or suppressing insurrection, and the Counties, Districts or Municipalities of the State of Florida shall have power to issue bonds only after the same shall have been approved by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in such Counties, Districts, or Municipalities shall participate, to be held in the manner to be prescribed by law; but the provisions of this act shall not apply to the refunding of bonds issued exclusively for the purpose of refunding of the bonds or the interest thereon of such Counties, Districts, or Municipalities.

(Amended, Senate Joint Resolution 26, Acts of 1929; adopted at general election, 1930).

SECTION 7. *Taxing for benefit of chartered company prohibited.*—No tax shall be levied for the benefit of any chartered company of the State, nor for paying interest on any bonds issued by such chartered companies, or by counties, or by corporations, for the above mentioned purpose.

SECTION 8. *Payment of legally assessed taxes prerequisite to relief from illegally assessed taxes.*—No person or corporation shall be relieved by any court from the payment of any tax that may be illegal, or illegally or irregularly assessed, until he or it shall have paid such portion of his or its taxes as may be legal, and legally and regularly assessed.

SECTION 9. *Property exempt from taxation; widows and disabled persons.* There shall be exempt from taxation property to the value of five hundred dollars to every widow and to every person who is a bona fide resident of the State and has lost a limb or been disabled in war or by misfortune.

(Amended by House Joint Resolution 375, Acts 1939; adopted at general election, 1940).

SECTION 10. *Credit of state not to be pledged or loaned.*—The credit of the State shall not be pledged or loaned to any individual company, corporation or association; nor shall the State become a joint owner or stock-holder in any company, association or corporation. The Legislature shall not authorize any

county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

SECTION 11. *Income tax prohibited; inheritance tax; exemption for head of family.*—No taxes upon inheritances or upon the income of residents or citizens of this State shall be levied by the State of Florida, or under its authority, and there shall be exempt from taxation to the head of the family residing in this State, household goods and personal effect to the value of Five Hundred (\$500.00) Dollars, provided, however, that the Legislature may provide for the assessment, levying and collection of a tax upon Inheritances, or for the levying of Estate taxes, not exceeding in the aggregate the amounts which may by any law of the United States be allowed to be credited against or deducted from any similar tax upon Inheritances, or taxes on estates assessed or levied by the United States on the same subject, but the power of the Legislature to levy such Inheritance taxes, or Estate Taxes in this State, shall exist only so long as, and during the time, a similar tax is enforced by the United States against Florida Inheritances or Estates and shall only be exercised or enforced to the extent of absorbing the amount of any deduction or credit which may be permitted by the laws of the United States, now existing or hereafter enacted to be claimed by reason thereof, as a deduction or credit against such similar tax of the United States applicable to Florida Inheritances or Estates. The Legislature may provide for the appropriation of all taxes collected under this Article to such State, County, Municipal or Educational purposes as it may deem advisable.

(Section added by amendment, Senate Joint Resolution 135, Acts 1923; adopted at general election, 1924. Amended, House Joint Resolution 35, Acts 1929; adopted at general election, 1930).

SECTION 12. *Exemption of industrial plants.*—For a period of fifteen years from the beginning of operation, all industrial plants which shall be established in this State on or after July 1st, 1929, engaged primarily during said period in the manufacture of steel vessels, automobile tires, fabrics and textiles, wood pulp, paper, paper bags, fiber board, automobiles, automobile parts, aircraft, aircraft parts, Glass and Crockery Manufacturers and the refining of sugar and oils, and including by-products or derivatives incident to the manufacture of any of the above products, shall be exempt from all taxation, except that no exemption which shall become effective by virtue of this amendment shall extend beyond the year 1948.

The exemption herein authorized shall not apply to real estate owned and used by such industrial plants except the real estate occupied as the location required to house such industrial plants and the buildings and property situated thereon, together with such lands as may be required for warehouses, storage, trackage and shipping facilities and being used for such purposes.

(Section added by amendment, Senate Joint Resolution 89, Acts 1929; adopted at general election, 1930).

SECTION 13. *Motor vehicles subject to single property tax.*—Motor vehicles, as property, shall be subject to only one form of taxation which shall be a license tax for the operation of such motor vehicles, which license tax shall be in such amount and levied for such purpose as the legislature may, by law, provide, and shall be in lieu of all ad valorem taxes assessable against motor vehicles as personal property.

“Motor vehicles” as that term is used herein also includes mobile homes, trailer coaches, house trailers, camper type mobile homes mounted and trans-

ported wholly upon the body of a self-propelled vehicle, or any type of trailer or vehicle body without independent motive power drawn by or carried upon a self-propelled vehicle designed for and used either as a means of transporting persons or property over the public streets and highways of this state or for furnishing housing accommodations, or both; provided, however, any included vehicle herein shall be subject to a license tax as an operable motor vehicle regardless of its actual use unless the included vehicle is permanently affixed to the land, in which case it shall be taxable as real property.

(Added H. J. R. 753, 1929; adopted 1930; amended S. J. R. 751, 1965; adopted 1965.)

SECTION 14. *Exemption of motion picture studios.*—For a period of fifteen years from the beginning of operation, motion picture studios and plants which shall be established in this State on or after July 1st, 1933, including all lands, buildings and chattels utilized in connection therewith, and all raw materials going into the finished products of such studios and plants, as well as the finished products or films, shall be exempt from all ad valorem taxation, except that no exemption which shall become effective by virtue of this amendment shall extend beyond the year 1943.

The exemption herein authorized shall not apply to real estate owned by such motion picture studios and plants except the real estate occupied as the location required to house such motion picture studios and plants and other buildings incidental to the operation of such studios and plants, together with such lands as may be required for housing officers and employees, and for warehouses, laboratories, cutting rooms, projections rooms, storage, trackage, shipping facilities, sets and locations.

(Section added by amendment, House Joint Resolution 1441, Acts 1933; adopted at general election, 1934).

SECTION 14A. *Exemption; stock in trade.*—Goods, wares, commodities and merchandise, commonly known as stock in trade or inventory and livestock, may be exempted in part from ad valorem taxation as personal or tangible property as the legislature may prescribe by general law of uniform operation throughout the state.

(Added H. J. R. 578, 1965; adopted 1966.)

SECTION 15. *Allocation of excise taxes.*—The Legislature shall have the power to allocate and distribute to the several counties of the State, in equal amounts, and at such times as the Legislature shall determine, any portion of or all excise taxes now levied and collected, or hereafter levied or collected, by the State of Florida from the operation of pari-mutuel pools.

(Section added by amendment, committee substitute for House Joint Resolution 45, Act 1939; adopted at general election, 1940).

SECTION 16. *Board of Administration; gasoline and like taxes, distribution and use, etc.*—(a). That beginning January 1st, 1943, and for fifty (50) years thereafter, the proceeds of two (2¢) cents per gallon of the total tax levied by State law upon gasoline and other like products of petroleum, now known as the Second Gas Tax, and upon other fuels used to propel motor vehicles, shall as collected be placed monthly in the 'State Roads Distribution Fund' in the State Treasury and divided into three (3) equal parts which shall be distributed monthly among the several counties as follows:

One part according to area, one part according to population, and one part according to the counties' contributions to the cost of State road construction in the ratio of distribution as provided in Chapter 15659, Laws of Florida,

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

(b) The Governor as Chairman, the State Treasurer and the State Comptroller shall constitute a body corporate to be known as the 'State Board of Administration,' which Board shall succeed to all the power, control and authority of the statutory Board of Administration. Said Board shall have, in addition to such powers as may be conferred upon it by law, the management, control and supervision of the proceeds of said two (2¢) cents of said taxes and all moneys and other assets which on the effective date of this amendment are applicable or may become applicable to the bonds of the several counties of this State, or any special road and bridge district, or other special taxing district thereof, issued prior to July 1st, 1931, for road and bridge purposes. The word 'Bonds' as used herein shall include bonds, time warrants, notes and other forms of indebtedness issued for road and bridge purposes by any county or special road and bridge district or other special taxing district, outstanding on July 1st, 1931, or any refunding issues thereof. Said Board shall have the statutory powers of Boards of County Commissioners and Bond Trustees and of any other Authority of special road and bridge districts, and other special taxing districts thereof with regard to said bonds, (except that the power to levy ad valorem taxes is expressly withheld from said board) and shall take over all papers, documents and records concerning the same. Said Board shall have the power from time to time to issue refunding bonds to mature within the said fifty (50) year period, for any of said outstanding bonds or interest thereon, and to secure them by a pledge of anticipated receipts from such gasoline or other fuel taxes to be distributed to such county as herein provided, but not at a greater rate of interest than said bonds now bear; and to issue, sell or exchange on behalf of any county or unit for the sole purpose of retiring said bonds issued by such county, or special road and bridge district, or other special taxing district thereof, gasoline or other fuel tax anticipation certificates bearing interest at not more than three (3) per cent per annum in such denominations and maturing at such time within the fifty (50) year period as the Board may determine. In addition to exercising the powers now provided by statute for the investment of sinking funds, said Board may use the sinking funds created for said bonds of any county or special road and bridge district, or other unit hereunder, to purchase the matured or maturing bonds participating herein of any other county or any other special road and bridge district, or other special taxing district thereof, provided that as to said matured bonds, the value thereof as an investment shall be the price paid therefor, which shall not exceed the par value plus accrued interest, and that said investment shall bear interest at the rate of three (3) per cent per annum.

(c) The said Board shall annually use said funds in each county account, first, to pay current principal and interest maturing, if any, of said bonds and gasoline or other fuel tax anticipation certificates of such county or special road and bridge district, or other special taxing district thereof; second, to establish a sinking fund account to meet future requirements of said bonds and gasoline or other fuel tax anticipation certificates where it appears the anticipated income for any year or years will not equal scheduled payments thereon; and third, any remaining balance out of the proceeds of said two (2¢) cents of said taxes shall monthly during the year be remitted by said board as follows: Eighty (80%) per cent to the State Road Department for the construction or reconstruction of State Roads and bridges within the county, or for the lease

or purchase of bridges connecting State highways within the County, and twenty (20%) per cent to the Board of County Commissioners of such county for use on roads and bridges therein.

(d) Said Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted and no legislation shall be required to render this amendment of full force and operating effect from and after January 1st, 1943. The Legislature shall continue the levies of said taxes during the life of this Amendment, and shall not enact any law having the effect of withdrawing the proceeds of said two (2¢) cents of said taxes from the operation of this amendment. The Board shall pay refunding expenses and other expenses for services rendered specifically for, or which are properly chargeable to, the account of any county from funds distributed to such county; but general expenses of the Board for services rendered all the counties alike shall be prorated among them and paid out of said funds on the same basis said tax proceeds are distributed among the several counties; provided, report of said expenses shall be made to each Regular Session of the Legislature, and the Legislature may limit the expenses of the Board.

(Added, S. J. R. No. 324, 1941, adopted 1942.)

SECTION 17. Bonds; land acquisition for outdoor recreation development.—The outdoor recreational development council, as created by the 1963 legislature, may issue revenue bonds, revenue certificates or other evidences of indebtedness to acquire lands, water areas and related resources and to construct, improve, enlarge and extend capital improvements and facilities thereon in furtherance of outdoor recreation, natural resources conservation and related facilities in this state; provided, however, the legislature with respect to such revenue bonds, revenue certificates or other evidences of indebtedness shall designate the revenue or tax sources to be deposited in or credited to the land acquisition trust fund for their repayment and may impose restrictions on their issuance, including the fixing of maximum interest rates and discounts.

The land acquisition trust fund, created by the 1963 legislature for these multiple public purposes, shall continue from the date of the adoption of this amendment for a period of fifty years.

In the event the outdoor recreational development council shall determine to issue bonds for financing acquisition of sites for multiple purposes the state board of administration shall act as fiscal agent, and the attorney general shall handle the validation proceedings.

All bonds issued under this amendment shall be sold at public sale after public advertisement upon such terms and conditions as the outdoor recreational development council shall provide and as otherwise provided by law and subject to the limitations herein imposed.

(Added, S. J. R. 727, 1963, adopted 1963.)

**ARTICLE X
HOMESTEAD AND EXEMPTIONS**

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|------|--|------|--|
| Sec. | 1. Exemption of homestead; extent. | Sec. | 5. Homestead area not reduced by subsequent inclusion in municipality. |
| | 2. Exemption to inure to widow and heirs. | | 6. Legislature to enact laws to enforce article. |
| | 3. Exemptions in former constitution; applicability. | | 7. Exemption of homestead from taxation. |
| | 4. Homestead may be alienated by husband and wife. | | |

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SECTION 1. *Exemption of homestead; extent.*—A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempt from forced sale under process of any court, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes or assessments, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner; and no judgment or decree or execution shall be a lien upon exempted property except as provided in this Article.

SECTION 2. *Exemption to inure to widow and heirs.*—The exemptions provided for in section one shall inure to the widow and heirs of the party entitled to such exemption, and shall apply to all debts, except as specified in said section.

SECTION 3. *Exemptions in former constitution; applicability.*—The exemptions provided for in the Constitution of this State adopted in 1868 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

SECTION 4. *Homestead may be alienated by husband and wife.*—Nothing in this Article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage duly executed by himself or herself, and by husband and wife, if such relation exists; nor if the holder be without children to prevent him or her from disposing of his or her homestead by will in a manner prescribed by law.

SECTION 5. *Homestead area not reduced by subsequent inclusion in municipality.*—No homestead provided for in section one shall be reduced in area on account of its being subsequently included within the limits of an incorporated city or town, without the consent of the owner.

SECTION 6. *Legislature to enact laws to enforce article.*—The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article.

SECTION 7. *Exemption of homestead from taxation.*—Every person who has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his or her permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of five thousand dollars on said home and contiguous real property, as defined in Article X, Section 1, of the Constitution, for the year 1939 and thereafter, provided that in Sarasota County the first two thousand dollars of the assessed valuation of such property shall be taxable for school purposes only and the exemption shall apply to the next five thousand dollars for school purposes only of assessed valuation. Said title may be held by the entireties, jointly, or in common with others, and said exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear, but no such exemption of more than five thousand dollars shall be allowed to any one person or on any one dwelling house, nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person. The legislature may prescribe appropriate

and reasonable laws regulating the manner of establishing the right to said exemption.

(Added, H. J. R. 20, 1933; adopted, 1934. Amended, S. J. R. 21, 1937; adopted, 1938. Amended, H. J. R. 1030, 1963; adopted, 1964.)

ARTICLE XI
MARRIED WOMEN'S PROPERTY

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| <p>Sec.</p> <ol style="list-style-type: none"> 1. Separate property not subject to husband's debts. 2. Equitable charges, sequestration; debts. | <p>Sec.</p> <ol style="list-style-type: none"> 3. Legislature to enact laws to enforce article. |
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SECTION 1. *Separate property not subject to husband's debts.*—All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing executed according to the law respecting conveyances by married women.

SECTION 2. *Equitable charges, sequestration; debts.*—A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestered for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon, with her knowledge and consent.

SECTION 3. *Legislature to enact laws to enforce article.*—The Legislature shall enact such laws as shall be necessary to carry into effect this Article.

ARTICLE XII
EDUCATION

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| <p>Sec.</p> <ol style="list-style-type: none"> 1. Uniform system of public free schools. 2. Superintendent of public instruction; term. 2A. County superintendent of public instruction; appointment in certain counties. 2B. County superintendent of public instruction; appointment in certain counties. 2C. County superintendent of public instruction; appointment in certain counties. 2D. County superintendent of public instruction; appointment in certain counties. 3. State board of education; members; powers. 4. State school fund; use; derivation. 5. Principal of state school fund to remain inviolate. 6. (Repealed). 7. Apportionment of state school fund. 8. County school tax. 9. County school fund. | <p>Sec.</p> <ol style="list-style-type: none"> 10. County school districts; trustees; tax. 10A. Abolition of county school district trustees. 11. Municipality as school district; distribution of district funds. 12. White and colored; separate schools. 13. Restriction on use of county or district school funds. 14. Normal schools. 15. County school officer paid from county school fund. 16. (No section) 17. Special tax school districts; issuance of bonds. 18. School bonds for capital outlay, insurance. 19. Institutions of higher learning and junior college capital outlay trust fund; bonds. |
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SECTION 1. *Uniform system of public free schools.*—The Legislature shall provide for a uniform system of public free schools, and shall provide for the liberal maintenance of the same.

SECTION 2. *Superintendent of public instruction; term.*—There shall be a Superintendent of Public Instruction, whose duties shall be prescribed by law, and whose term of office shall be four years and until the election and qualification of his successor.

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SECTION 2A. *County superintendent of public instruction; appointment in certain counties.*—(1) From and after January 1, 1957, the county Superintendent of Public Instruction shall be appointed by the County board of public instruction in the counties of Duval, Sarasota, Dade and Pinellas wherein the proposition is affirmed by a majority vote of the qualified electors of any such county, or by a special act of the legislature making the office of County Superintendent of public instruction appointive.

(2) To submit the proposition contained in subsection (1) above, to the electors a special election shall be called by the county commissioners of such county upon the request of the county board of public instruction therein, which election shall be held within sixty days after request and the result thereof shall determine whether subsection (1) shall be effective in such county.

(3) Any county adopting the provisions of subsection (1) hereof may after four years return to its former status and reject the provisions of this section by the same procedure outlined in subsection (2) hereof for adopting the provisions thereof in the beginning, or by a special act of the legislature.

(Added Com. Sub. for S. J. R. 703, 1955; adopted 1956.)

SECTION 2B. *County superintendent of public instruction; appointment in certain counties.*—

(1) The county superintendent of public instruction shall be appointed by the county board of public instruction in the counties of Alachua, Charlotte, Collier, Manatee, Orange, Lee, Monroe, Leon, Indian River, St. Lucie, Broward, Baker, Brevard, Hendry and Hillsborough wherein the proposition is affirmed by a majority vote of the qualified electors of any such county making the office of county superintendent of public instruction appointive.

(2) The board of public instruction of the county must request an election, which may be a special election or may be on the ballot of any regular primary or general election to be designated by the board of public instruction, and upon such timely request the board of county commissioners of such county will call such special election or cause to be placed on the ballot at such other election the proposition whether subsection (1) shall be effective in such county.

(3) Any county adopting the provisions of subsection (1) hereof may after four years return to its former status and reject the provisions of this section by the same procedure outlined in subsection (2) hereof for adopting the provisions thereof in the beginning.

(Amended, Committee Substitute for H.J.R. 1443, 1961, adopted 1962.)

SECTION 2C. *County superintendent of public instruction; appointment in certain counties.*—

(1) The county superintendent of public instruction shall be appointed by the county board of public instruction in the counties of Escambia, Lake, Martin, Okeechobee, Palm Beach, Putnam and Seminole wherein the proposition is affirmed by a majority vote of the qualified electors of any such county making the office of county superintendent of public instruction appointive.

(2) The board of public instruction of the county must request an election, which may be a special election or may be on the ballot of any regular primary or general election to be designated by the board of public instruction, and upon such timely request the board of county commissioners of such county will call such special election or cause to be placed on the ballot at such other election the proposition whether subsection (1) shall be effective in such county.

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(3) Any county adopting the provisions of subsection (1) hereof may after four years return to its former status and reject the provisions of this section by the same procedure outlined in subsection (2) hereof for adopting the provisions thereof in the beginning.

(4) In the event a referendum election results in a change in the method of selecting a county superintendent, the incumbent shall be permitted to serve the remainder of the term of office to which he was duly elected or appointed.

(Added, H. J. R. 1045, 1963; adopted 1964.)

SECTION 2D. County superintendent of public instruction; appointment in certain counties.—

(1) The county superintendent of public instruction shall be appointed by the county board of public instruction in Taylor county, providing the proposition is affirmed by a majority vote of the qualified electors of Taylor county making the office of county superintendent of public instruction appointive.

(2) To submit the proposition contained in subsection (1) to the electors a special election shall be called by the county commissioners of Taylor county upon the request of the county board of public instruction, which election shall be held within sixty days after the request and the result thereof shall determine whether subsection (1) shall be effective in said county.

(3) Should the county adopt the provisions of subsection (1) hereof it may, after four years return to its former status and reject the provisions of this section by the same procedure outlined in subsection (2) hereof for adopting the provisions thereof in the beginning.

(4) In the event a referendum election results in a change in the method of selecting a county superintendent, the incumbent shall be permitted to serve the remainder of the term of office to which he was duly elected or appointed.

(Added, H. J. R. 2194, 1963; adopted 1964.)

SECTION 3. State board of education; members; powers.—The Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Public Instruction shall constitute a body corporate, to be known as the State Board of Education of Florida, of which the Governor shall be President, and the Superintendent of Public Instruction Secretary. This Board shall have power to remove any subordinate school officer for cause, upon notice to the incumbent; and shall have the management and investment of all State School Funds under such regulations as may be prescribed by law, and such supervision of schools of higher grades as the law shall provide.

SECTION 4. State school fund; use; derivation.—The State School Fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources.

The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes.

Donations to the State when the purpose is not specified.

Appropriations by the State.

The proceeds of escheated property or forfeitures.

Twenty five per cent of the sales of public lands which are now or may hereafter be owned by the State.

SECTION 5. Principal of state school fund to remain inviolate.—The principal of the State School Fund shall remain sacred and inviolate.

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SECTION 6. (Repealed).

(Repealed by amendment, Senate Joint Resolution 69, Acts 1939; adopted at general election, 1940).

SECTION 7. Apportionment of state school fund.—Provision shall be made by law for the apportionment and distribution of the interest on the State School Fund and all other means provided, including the special tax, for the support and maintenance of public free schools, among the several counties of the State in proportion to the average attendance upon schools in the said counties respectively.

(Amended Joint Resolution 3, Acts 1893; adopted at general election, 1894).

SECTION 8. County school tax.—Each county shall be required to assess and collect annually for the support of the public free schools therein, a tax of not less than three (3) mills, not more than ten (10) mills on the dollar on all taxable property in the same.

(Amended by House Joint Resolution 25, Acts 1917; adopted at general election, 1918).

SECTION 9. County school fund.—In addition to the tax provided for in Section 8 of this Article the county school fund shall consist of the proportion of the interest of the State School Fund and of the one mill State tax apportioned to the county, all capitation taxes collected within the county and all appropriations by the Legislature which shall with all other County School Funds be apportioned and distributed as may be provided by law and shall be disbursed by the County Board of Public Instruction solely for the support and maintenance of public free schools. Provided that such apportionment and distribution shall be made by general law based upon some declared principle of classification to be determined by the Legislature.

(Amended, House Joint Resolution 541, Acts 1925; adopted at general election, 1926).

cf.—One mill state tax repealed by Section 2, Article IX.

SECTION 10. County school districts; trustees; tax.—The Legislature may provide for the division of any county or counties into convenient school districts; and for the election biennially of three school trustees, who shall hold their office for two years, and who shall have the supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real, or personal property shall vote in favor of such levy; Provided, that any tax authorized by this section shall not exceed ten mills on the dollar in any one year on the taxable property of the district.

(Amended, Senate Joint Resolution 1, Acts 1921; adopted at general election 1922).

SECTION 10A. Abolition of county school district trustees.—(1) From and after January 1, 1957, the office of county special tax school district trustees shall be abolished and all duties of district trustees shall be vested in the county board of public instruction, including levying taxes provided by article XII of the constitution, in all counties wherein the proposition is affirmed by a majority vote of the qualified electors of any such county.

(2) To submit the proposition contained in subsection (1) above to the electors a special election shall be called by the county commissioners of any county upon the request of the County Board of Public Instruction therein, which election may be held at the same time as the next general election and the result thereof shall determine whether subsection (1) shall be effective in such county.

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(3) Any county adopting the provisions of subsection (1) hereof may after four years return to its former status and reject the provisions of this section by the same procedure outlined in subsection (2) hereof for adopting the provisions thereof in the beginning.

(Added S.J.R. 638, 1955; adopted 1956.)

SECTION 11. *Municipality as school district; distribution of district funds.*—Any incorporated town or city may constitute a School District. The fund raised by Section ten may be expended in the district where levied for building or repairing school houses for the purchase of school libraries and textbooks, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable.

SECTION 12. *White and colored; separate schools.*—White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

SECTION 13. *Restriction on use of county or district school funds.*—No law shall be enacted authorizing the diversion or the lending of any County or District School Funds, or the appropriation of any part of the permanent or available school Fund to any other than school purposes: nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school.

SECTION 14. *Normal schools.*—The Legislature at its first session shall provide for the establishment, maintenance, and management of such Normal Schools, not to exceed two, as the interests of public education may demand.

SECTION 15. *County school officer paid from county school fund.*—The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general funds of their respective counties.

SECTION 16. *(No section).*

(Proposed additional section defeated at general election of 1908).

SECTION 17. *Special tax school districts; issuance of bonds.*—The Legislature may provide for special tax school districts to issue bonds for the exclusive use of public free schools within any such special tax school district, whenever a majority of the qualified electors thereof who are freeholders shall vote in favor of the issuance of such bonds, but no bonds shall be issued hereunder which shall exceed, together with the existing indebtedness of such special tax school district 20 per cent of the assessed value of the taxable property of such district according to the last assessment for State and County purposes prior to the issuing of such bonds. Any bonds issued hereunder shall become payable within thirty years and from the date of issuance in annual installments which shall commence not more than three years after the date of issue. Each annual installment shall be not less than three per cent of the total amount of the issue. Whenever any such special tax school district has voted in favor of the issuance of such bonds a special tax for the payment of the interest on said bonds and the principal thereof as the same shall become due and payable, shall be levied on the taxable property within the district voting for their issuance in accordance with law, providing for the levy of taxes and such tax shall not be applied to any purpose other than the payment of the principal and interest of said bonds.

(Section added by amendment, Joint Resolution 76, Acts 1911; adopted at general election, 1912. Amended, Senate Joint Resolution 333, Acts 1923; adopted at general election, 1924.)

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SECTION 18. *School bonds for capital outlay, insurance.*—(a) Beginning January 1, 1965 and for thirty-five years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the county capital outlay and debt service school fund in the state treasury, and used only as provided in this amendment. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore provided by general law, or (2) the number of instruction units in such county for the school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the state board of education (hereinafter called the state board), or (3) the number of instruction units in each county on behalf of which the state board of education has issued bonds or motor vehicle tax anticipation certificates under this amendment which will produce sufficient revenues under this amendment to equal one and one-third times the aggregate amount of principal of and interest on such bonds or motor vehicle tax anticipation certificates which will mature and become due in such year, computed in the manner heretofore or hereafter provided by general law and approved by the state board.

Such funds so distributed shall be administered by the state board as now created and constituted by Section 3 of Article XII of the Constitution of Florida. For the purposes of this amendment, said state board, as now constituted, shall continue as a body corporate during the life of this amendment and shall have all the powers provided in this amendment in addition to all other constitutional and statutory powers related to the purposes of this amendment heretofore or hereafter conferred upon said board.

(b) The state board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a). The state board shall also have power, for the purpose of obtaining funds for the use of any county board of public instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said state board. All such bonds shall bear interest at not exceeding four and one-half per centum per annum and shall mature serially in annual installments commencing not more than three years from the date of issuance thereof and ending not later than thirty years from the date of issuance or January 1, 2000, A.D., whichever is earlier. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding four and one-half per centum per annum and shall mature prior to January 1, 2000, A.D. The state board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the state board shall provide.

The state board shall also have power to pledge for the payment of the

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

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

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

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

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

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the County, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed

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under this Subsection (3) may be pledged for the debt service on bonds issued by any Board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

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

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

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

(e) The State Board may invest any sinking fund or funds created pursuant to this Amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

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

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax

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anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this Amendment. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

Senate Joint Resolution 106, Acts 1951; Adopted November 4, 1952. (a), (b) Amended, S. J. R. 218, 1963; adopted 1964.

SECTION 19. *Institutions of higher learning and junior college capital outlay trust fund; bonds.*—(a) That beginning January 1, 1964, and for fifty years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones and for the sending of telegrams and telegraph messages, as now provided and levied as of the time of adoption of this amendment in Chapter 203, Florida Statutes (hereinafter called "Gross Receipts Taxes"), shall, as collected be placed in a trust fund to be known as the "Institutions of Higher Learning and Junior Colleges Capital Outlay and Debt Service Trust Fund" in the State Treasury (hereinafter referred to as "Capital Outlay Fund"), and used only as provided in this Amendment.

Said fund shall be administered by the State Board of Education, as now created and constituted by Section 3 of Article XII of the Constitution of Florida (hereinafter referred to as "State Board"). For the purpose of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred by law upon said State Board.

(b) The State Board shall have power, for the purpose of obtaining funds for acquiring, building, constructing, altering, improving, enlarging, furnishing or equipping capital outlay projects theretofore authorized by the legislature and any purposes appurtenant or incidental thereto, for Institutions of Higher Learning or Junior Colleges, as now defined or as may be hereafter defined by law, and for the purpose of constructing buildings and other permanent facilities for vocational technical schools as provided in chapter 230 Florida Statutes, to issue bonds or certificates, including refunding bonds or certificates to fund or refund any bonds or certificates theretofore issued. All such bonds or certificates shall bear interest at not exceeding four and one-half per centum per annum, and shall mature at such time or times as the State Board shall determine not exceeding, in any event, however, thirty years from the date of issuance thereof. The State Board shall have power to determine all other details of such bonds or certificates and to sell at public sale, after public advertisement, such bonds or certificates, provided, however, that no bonds or certificates shall ever be issued hereunder to finance, or the proceeds thereof expended for, any part of the cost of any capital outlay project unless the construction or acquisition of such capital outlay project has been theretofore authorized by the Legislature of Florida. None of said bonds or certificates shall be sold at less than ninety-eight per centum of the par value thereof, plus accrued interest, and said bonds or certificates shall be awarded at the public sale thereof to the bidder offering the lowest net interest cost for such bonds or certificates in the manner to be determined by the State Board.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or certificates and reserves therefor, including refunding bonds or certificates, all or any part of the revenue to be

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derived from the said Gross Receipts Taxes provided for in this Amendment, and to enter into any covenants and other agreements with the holders of such bonds or certificates concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or certificates shall ever be issued by the State Board in an amount exceeding seventy-five per centum of the amount which it determines, based upon the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, can be serviced by the revenues accruing thereafter under the provisions of this Amendment; nor shall the State Board, during the first year following the ratification of this amendment, issue bonds or certificates in excess of seven times the anticipated revenue from said Gross Receipts Taxes during said year, nor during each succeeding year, more than four times the anticipated revenue from said Gross Receipts Taxes during such year. No election or approval of qualified electors or freeholder electors shall be required for the issuance of bonds or certificates hereunder.

After the initial issuance of any bonds or certificates pursuant to this Amendment, the State Board may thereafter issue additional bonds or certificates which will rank equally and on a parity, as to lien on and source of security for payment from said Gross Receipts Taxes, with any bonds or certificates theretofore issued pursuant to this Amendment, but such additional parity bonds or certificates shall not be issued unless the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, shall have been equal to one and one-third times the aggregate amount of principal and interest which will become due in any succeeding fiscal year on all bonds or certificates theretofore issued pursuant to this Amendment and then outstanding, and the additional parity bonds or certificates then proposed to be issued. No bonds, certificates or other obligations whatsoever shall at any time be issued under the provisions of this Amendment, except such bonds or certificates initially issued hereunder, and such additional parity bonds or certificates as provided in this paragraph. Notwithstanding any other provision herein no such bonds or certificates shall be authorized or validated during any biennium in excess of fifty million dollars, except by two-thirds vote of the members elected to each house of the legislature; provided further that during the biennium 1963-1965 seventy-five million dollars may be authorized and validated pursuant hereto.

(c) Capital outlay projects theretofore authorized by the legislature for any Institution of Higher Learning or Junior College shall be eligible to participate in the funds accruing under this Amendment derived from the proceeds of bonds or certificates and said Gross Receipts Taxes under such regulations and in such manner as shall be determined by the State Board, and the State Board shall use or transmit to the State Board of Control or to the Board of Public Instruction of any County authorized by law to construct or acquire such capital outlay projects, the amount of the proceeds of such bonds or certificates or Gross Receipts Taxes to be applied to or used for such capital outlay projects. If for any reason any of the proceeds of any bonds or cer-

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tificates issued for any capital outlay project shall not be expended for such capital outlay project, the State Board may use such unexpended proceeds for any other capital outlay project for Institutions of Higher Learning or Junior Colleges and vocational technical schools, as defined herein, as now defined or as may be hereafter defined by law, theretofore authorized by the State Legislature. The holders of bonds or certificates issued hereunder shall not have any responsibility whatsoever for the application or use of any of the proceeds derived from the sale of said bonds or certificates, and the rights and remedies of the holders of such bonds or certificates and their right to payment from said Gross Receipts Taxes in the manner provided herein shall not be affected or impaired by the application or use of such proceeds.

The State Board shall use the moneys in said Capital Outlay Fund in each fiscal year only for the following purposes and in the following order of priority:

(1) For the payment of the principal of and interest on any bonds or certificates maturing in such fiscal year.

(2) For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of said bonds or certificates, of any amounts required to be deposited in such reserve funds in such fiscal year.

(3) After all payments required in such fiscal year for the purposes provided for in (1) and (2) above, including any deficiencies for required payments in prior fiscal years, any moneys remaining in said Capital Outlay Fund at the end of such fiscal year may be used by the State Board for direct payment of the cost or any part of the cost of any capital outlay project theretofore authorized by the legislature or for the purchase of any bonds or certificates issued hereunder then outstanding upon such terms and conditions as the State Board shall deem proper, or for the prior redemption of outstanding bonds or certificates in accordance with the provisions of the proceedings which authorized the issuance of such bonds or certificates.

The State Board may invest the moneys in said Capital Outlay Fund or in any sinking fund or other funds created for any issue of bonds or certificates, in direct obligations of the United States of America or in the other securities referred to in Section 344.27, Florida Statutes.

(d) The State Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect on and after January 1, 1964. The Legislature, during the period this Amendment is in effect, shall not reduce the rate of said Gross Receipts Taxes now provided in said Chapter 203, Florida Statutes, or eliminate, exempt or remove any of the persons, firms or corporations, including municipal corporations, or any of the utilities, businesses or services now or hereafter subject to said Gross Receipts Taxes, from the levy and collection of said Gross Receipts Taxes as now provided in said Chapter 203, Florida Statutes, and shall not enact any law impairing or materially altering the rights of the holders of any bonds or certificates issued pursuant to this Amendment or impairing or altering any covenants or agreements of the State Board made hereunder, or having the effect of withdrawing the proceeds of said Gross Receipts Taxes from the operation of this Amendment.

The State Board of Administration shall be and is hereby constituted as the Fiscal Agent of the State Board to perform such duties and assume such responsibilities under this Amendment as shall be agreed upon between the

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State Board and such State Board of Administration. The State Board shall also have power to appoint such other persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be paid out of the proceeds of bonds or certificates issued hereunder or from said Gross Receipts Taxes deposited in said Capital Outlay Fund.

(e) No capital outlay project or any part thereof shall be financed hereunder unless the bill authorizing such project shall specify it is financed hereunder and shall be approved by a vote of three-fifths of the elected members of each house.

(S. J. R. 264, 1963, adopted 1963.)

**ARTICLE XIII
PUBLIC INSTITUTIONS**

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|---|---|
| Sec.
1. Institutions supported by state.
2. State prison. | Sec.
3. Counties to provide for benevolent benefits.
4. First legislature to enact laws to enforce article. |
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SECTION 1. *Institutions supported by state.*—Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

SECTION 2. *State prison.*—A State Prison shall be established and maintained in such manner as may be prescribed by law. Provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders; and the Legislature shall have power to establish a home and work house for common vagrants.

SECTION 3. *Counties to provide for benevolent benefits.*—The respective counties of the State shall provide in the manner prescribed by law, for those of the inhabitants who by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society; provided, however, the Legislature may by general law provide for a uniform State-wide system for such benefits, and appropriate money therefor; but no such general law shall provide benefits to any person who shall not have been a resident of the State of Florida for a period of five years continuously next preceding his application therefor, nor shall such general law provide for benefits to any person solely on account of age who has not attained the age of sixty-five years; Provided, further, that where by any law of the United States, a lesser or different period of residence, age or citizenship shall be fixed in order for the State of Florida to participate in any Federal grants that might be made for such purposes, the Legislature may prescribe such requirements as to citizenship, age and residence as will be consistent with and not in conflict with such Federal law.

(Amended Senate Joint Resolution 170, Acts 1935; adopted at general election, 1936).

SECTION 4. *First legislature to enact laws to enforce article.*—The first Legislature that convenes after the adoption of this Constitution shall enact the necessary laws to carry into effect the provisions of this Article.

ARTICLE XIV
MILITIA

- | | |
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| Sec.
1. Composition of state militia.
2. Organizing and disciplining state militia. | Sec.
3. Officers of militia; uniforms.
4. Governor may call out militia.
5. Florida national guard. |
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SECTION 1. *Composition of state militia.*—All able bodied male inhabitants of the State between the ages of eighteen and forty-five years, that are citizens of the United States, or have declared their intention to become citizens thereof, shall constitute the militia of the State; but no male citizen of whatever religious creed or opinion shall be exempt from military duty except upon such conditions as may be prescribed by law.

SECTION 2. *Organizing and disciplining state militia.*—The Legislature may provide by law for organizing and disciplining the militia of the State, for the encouragement of volunteer corps, the safe keeping of the public arms, and for a guard for the State Prison.

SECTION 3. *Officers of militia; uniforms.*—The Governor, by and with the consent of the Senate, shall appoint two Major-Generals, and four Brigadier-Generals of militia. They shall take rank according to the dates of their commissions. The officers and soldiers of the State Militia, when uniformed, shall wear the uniform prescribed for the United States, Army; Provided, that volunteer companies may select their own uniforms.

cf.—§16, Art. IV, Florida Constitution.

SECTION 4. *Governor may call out militia.*—The Governor shall have power to call out the Militia to preserve the public peace, to execute the Laws of the State, to suppress insurrection or to repel invasion.

SECTION 5. *Florida National Guard.*—(a) Whenever there shall be in the State of Florida a federally recognized National Guard, the same shall be sui generis and subject to the lawful orders of the Governor, who shall be Commander in Chief.

(b) The National Guard shall be supported and maintained by the State of Florida pursuant to provisions of law prescribed for organizing, arming, governing and disciplining said National Guard in accordance with the Acts of Congress and regulations of the United States War Department thereunto pertaining.

(c) Officers of the federally recognized National Guard, including the Adjutant General, shall be appointed, and shall be subject to suspension, discharge, removal or compulsory retirement as such, solely on the basis of military proficiency, character and service, as determined according to army regulations and usages sanctioned by law, anything in this Constitution to the contrary notwithstanding.

(d) The qualification of officers and soldiers of the Federally Recognized National Guard shall be prescribed in military regulations promulgated in accordance with the general specifications of the U. S. War Department.

(Amended by Senate Joint Resolution 625, Acts 1937, adopted at general election, 1938).

ARTICLE XV
PUBLIC HEALTH

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| Sec.
1. State and county boards of health.
2. Powers and supervision of state board of health. | Sec.
3. Powers and supervision of county boards of health. |
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SECTION 1. *State and county boards of health.*—The Legislature shall establish a State Board of Health and also County Boards of Health in all counties where it may be necessary.

SECTION 2. *Powers and supervision of state board of health.*—The State Board of Health shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

SECTION 3. *Powers and supervision of county boards of health.*—The County Boards of Health shall have such powers and be under the supervision of the State Board to such extent as the Legislature may prescribe.

**ARTICLE XVI
MISCELLANEOUS PROVISIONS**

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|---|--|
| <p>Sec.</p> <ol style="list-style-type: none">1. Location of seat of government.1A. Continuity of government.2. Oath of office of state officials.3. Salaries of officers payable upon requisition.4. Location of county offices; residence of clerk and sheriff.4A. Civil jury trials in Pinellas county; location in certain municipalities within said county.4B. Civil jury trials in Volusia county; location in certain municipalities within said county.4C. Civil jury trials in Highlands county; location in certain municipalities within said county.4D. Civil jury trials in branch court houses in Brevard county.4E. Civil jury trials in Pasco county; location in certain branch court houses within said county.4F. Civil trials in branch courthouses in Dade county.5. Donation of public lands to settlers.6. Publication and distribution of laws.7. Terms of offices created by legislature.8. Determination of choice at elections.9. Costs in criminal cases prosecuted in name of state.10. Location of state offices; temporary removal.11. Extra compensation claims.12. Seal of State of Florida; state flag.13. Sureties upon official bonds.14. Officers to hold until successors qualified. | <p>Sec.</p> <ol style="list-style-type: none">15. No person to hold two offices at same time.16. Corporate property subject to taxation, exception.17. Personal attention to duties of office required.18. Salary deductions for neglect of duty.19. Action on proposed United States constitutional amendment; prerequisite.20. Certificate of election to house of representatives or senate of United States; prerequisite.21. Recorded deeds and mortgages as prima facie evidence; certified copies.22. Mechanics liens.23. Quartering of soldiers; prohibition.24. Intermarriage of white persons and negroes prohibited.25. Definition of felony.26. Provision for claims connected with establishment of East Florida Seminary.27. Purchase of books for supreme court library.28. Drainage of land.29. Condemnation of property; compensation.30. Legislative power over common carriers.31. Free railroad passes to state officials prohibited.32. Legislature may create parole commission.33. Salt water fish and salt water products; regulation, etc.34. Civil service system and boards. |
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SECTION 1. *Location of seat of government.*—The Seat of Government shall be at the City of Tallahassee, in the County of Leon.

SECTION 1A. *Continuity of government.*—The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby conferred the legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the legislature so to do would be impracticable or would admit of undue delay.

(Added, S. J. R. 268, 1963; adopted 1964.)

SECTION 2. *Oath of office of state officials.*—Each and every officer of this

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State, including the members of the Legislature, shall before entering upon the discharge of his official duties take the following oath of office: 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.....on which I am now about to enter. So help me God.

SECTION 3. *Salaries of officers payable upon requisition.*—The salary of every officer shall be payable monthly upon his own requisition.

(Amended, Senate Joint Resolution 54, Acts 1921; adopted at general election, 1922).

SECTION 4. *Location of county offices; residence of clerk and sheriff.*—All county officers shall hold their respective offices, and keep their official books and records, at the county seats of their counties; and the Clerk and Sheriff shall either reside or have a sworn deputy within two miles of the county seat.

SECTION 4A. *Civil jury trials in Pinellas County; location in certain municipalities within said county.*—The Legislature may, from time to time and as the business of Pinellas County may require, provide that trial by jury of all civil suits, properly triable by jury according to law, may be had and held in any municipality, within said county, having a population of more than seventy-five thousand inhabitants according to the latest official census. The legislature may provide also that the clerk of any court or any other court officer, within said county, shall maintain such offices within such municipality, and keep such official books and records therein, as may be necessary to accomplish the purposes of this amendment; provided, however, that the principal offices of such clerks or other officers shall not be removed from the county seat.

(Added S. J. R. 34-XX, 1956; adopted 1956.)

SECTION 4B. *Civil jury trials in Volusia county; location in certain municipalities within said County.*—The legislature may, from time to time and as the business of Volusia county may require, provide that trial by jury of all civil suits, properly triable by jury according to law, may be had and held in addition to the county seat in any municipality, within said county, designated by any circuit judge of the 7th judicial circuit. The legislature may provide also that the clerk of any court or any other court officer, within said county, shall maintain such offices within such municipality, and have available such official books and records therein, as may be necessary to accomplish the purposes of this amendment; provided, however, that the principal offices of such clerks or other officers shall not be removed from the county seat.

(Added, H. J. R. 409, 1959; adopted 1960.)

SECTION 4C. *Civil jury trials in Highlands county; location in certain municipalities within said county.*—The legislature may from time to time and as the business of Highlands county may require, provide that trial by jury of all civil suits, properly triable by jury according to law, may be had and held in addition to the county seat in any municipality, within said county, designated by any circuit judge of the 10th judicial circuit. The legislature may provide also that the clerk of any court or any other court officer, within said county, shall maintain such offices within such municipality, and have available such official books and records therein, as may be necessary to accomplish the purposes of this amendment; provided, however, that the principal offices of such clerks or other officers shall not be removed from the county seat.

(Added, H. J. R. 409, 1959; adopted 1960.)

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SECTION 4D. *Civil jury trials in branch court houses in Brevard county.*—Civil trials by jury may be held as provided by law in designated branch court houses within Brevard County. All records of any civil trial conducted in any such branch court houses shall be filed in the main court house at the county seat.

(Added, H. J. R. 1073, 1959; adopted 1960.)

SECTION 4E. *Civil Jury Trials in Pasco County; location in certain branch court houses within said County.*—The Legislature may, from time to time, and as the business of Pasco County may require, provide that trial by jury of all civil suits, properly triable by jury according to law, may be had and held in addition to the county seat in any branch court house, within said county. The legislature may provide also that the clerk of any court or any other court officer, within said county, shall maintain such offices within such municipality and have available such official books and records therein, as may be necessary to accomplish the purposes of this amendment; provided, however, that the principal offices of such clerks or other officers shall not be removed from the county seat.

(Added, H. J. R. 1853, 1961; adopted 1962.)

SECTION 4F. *Civil trials in branch courthouses in Dade county.*—Civil trials may be held as provided by law in branch courthouses in any municipality within Dade county. The clerk of any court, the sheriff, and any other court officer, within said county, shall maintain such offices within such municipality, and have available such official books and records therein, as may be necessary to accomplish the purposes of this amendment, provided that the principal offices of such clerks or other officers shall not be removed from the county seat.

(Added S. J. R. 1083, 1963; Adopted 1964.)

SECTION 5. *Donation of public lands to settlers.*—The Legislature may provide for the donation of the public lands to actual settlers, but such donation shall not exceed eighty acres to any one person.

SECTION 6. *Publication and distribution of laws.*—The legislature shall provide for the speedy publication and distribution of all laws it may enact. Decisions of the Supreme Court and all laws and judicial decisions shall be free for publication by any person. But no judgment of the Supreme Court shall take effect until the decision of the Court in such case shall be filed with the clerk of said Court.

(Amended, Joint Resolution 1, Acts 1895; adopted at general election, 1896).

SECTION 7. *Terms of offices created by legislature.*—The legislature shall not create any office, the term of which shall be longer than four years, except membership on the board charged with responsibility for colleges and universities (not including junior colleges) which terms may be extended by the legislature to not more than nine years.

(Amended, S. J. R. 267, 1963; adopted 1964.)

SECTION 8. *Determination of choice at elections.*—A plurality of votes given at an election of officers shall constitute a choice when not otherwise provided by this Constitution.

SECTION 9. *Costs in criminal cases prosecuted in name of state.*—In all criminal cases prosecuted in the name of the State when the defendant is insolvent or discharged, the legal costs and expenses, including the fees of officers, shall be paid by the counties where the crime is committed, under such regulations as shall be prescribed by law, and all fines and forfeitures collected under the penal laws of the State shall be paid into the County Treasuries

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of the respective Counties as a general County fund to be applied to such legal costs and expenses.

(Amended, Joint Resolution 1, Acts 1893; adopted at general election, 1894).

SECTION 10. *Location of state offices; temporary removal.*—The Governor, Supreme Court and all the administrative officers of the Executive Department shall keep their offices at the Seat of Government. But in case of invasion or violent epidemics the Governor may direct that the offices of the Government be removed temporarily to some other place. The sessions of the Legislature may be adjourned for the same cause to some other place, but in case of such removal all the Departments of the Government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

SECTION 11. *Extra compensation claims.*—No extra compensation shall be made to any officer, agent, employe, or contractor after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two thirds of the members elected to each house of the Legislature.

SECTION 12. *Seal of State of Florida; state flag.*—The present seal of the state shall remain the seal of the state of Florida. The state flag shall conform with standard commercial sizes and be of the following proportions and description: The seal of the state, of diameter one half the hoist, in the center of a white ground. Red bars in width one fifth the hoist extending from each corner toward the center, to the outer rim of the seal.

(Amended J.R. 4, 1899; Adopted 1900; Amended S. J. R. 433, 1965; adopted 1966.)

SECTION 13. *Sureties upon official bonds.*—The sureties upon the official bonds of all State, county, and municipal officers shall be residents of, and have sufficient visible property unencumbered within the State, not exempt from sale under legal process, to make good their bonds: and the sureties upon the official bonds of all county and municipal officers shall reside within the county where their principals upon such bonds reside, and shall have sufficient visible and unencumbered property in such county, that is not exempt from sale under legal process, to make good their liability on such bonds: Provided, "That any duly organized and responsible Guarantee or Surety Company, either foreign or domestic, lawfully doing business in this State, may become and be accepted as surety on all such official bonds."

(Amended, Joint Resolution 1, Acts 1897; adopted at general election, 1898).

SECTION 14. *Officers to hold until successors qualified.*—All State, County and Municipal officers shall continue in office after the expiration of their official terms until their successors are duly qualified.

SECTION 15. *No person to hold two offices at same time.*—No person holding or exercising the functions of any office under any foreign Government, under the Government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State; and no person shall hold, or perform the functions of, more than one office under the government of this State at the same time; Provided, Notaries Public, militia officers, county school officers and Commissioners of Deeds may be elected or appointed to fill any legislative, executive or judicial office.

SECTION 16. *Corporate property subject to taxation, exception.*—The prop-

erty of all corporations, except the property of a corporation which shall construct a ship or barge canal across the peninsula of Florida, if the Legislature should so enact, whether heretofore or hereafter incorporated, shall be subject to taxation unless such property be held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes.

SECTION 17. *Personal attention to duties of office required.*—No person shall hold any office of trust or profit under the laws of this State without devoting his personal attention to the duties of the same.

SECTION 18. *Salary deductions for neglect of duty.*—The Legislature shall provide for deductions from the salaries of public officers who neglect the performance of any duty assigned them by law.

SECTION 19. *Action on proposed United States constitutional amendment; prerequisite.*—No Convention nor Legislature of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States, unless such Convention or Legislature shall have been elected after such amendment is submitted.

SECTION 20. *Certificate of election to house of representatives or senate of United States; prerequisite.*—The Governor and every State officer are hereby prohibited from giving certificates of election or other credentials to any person as having been elected to the House of Representatives of the United States Congress or the United States Senate, who has not been five years a citizen of the State and ten years a citizen of the United States, and a qualified voter.

SECTION 21. *Recorded deeds and mortgages as prima facie evidence; certified copies.*—Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as prima facie evidence in the courts of this State without requiring proof of the execution. A certified copy of the record of any deed or mortgage that has been or shall be duly recorded according to law shall be admitted as prima facie evidence thereof, and of its due execution with like effect as the original duly proved; Provided, It be made to appear that the original is not within the custody or control of the party offering such copy.

SECTION 22. *Mechanics liens.*—The Legislature shall provide for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SECTION 23. *Quartering of soldiers; prohibition.*—No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SECTION 24. *Intermarriage of white persons and negroes prohibited.*—All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation, inclusive, are hereby forever prohibited.

SECTION 25. *Definition of felony.*—The term felony, whenever it may occur in this Constitution or in the laws of the State, shall be construed to mean any criminal offense punishable with death or imprisonment in the State Penitentiary.

SECTION 26. *Provision for claims connected with establishment of East Florida Seminary.*—The Legislature may make provision for the proper adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the town of Ocala for the establishment of the East Florida Seminary in 1852, and conditional upon its location at the said town.

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SECTION 27. *Purchase of books for Supreme Court library.*—The Legislature shall appropriate at least five hundred dollars each year for the purchase of such books for the Supreme Court Library as the Court may direct.

SECTION 28. *Drainage of land.*—The Legislature may provide for the drainage of the land of one person over or through that of another, upon just compensation therefor to the owner of the land over which such drainage is had.

SECTION 29. *Condemnation of property; compensation.*—No private property, nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by twelve jurors in a court of competent jurisdiction, as shall be prescribed by law.

(Amended S. J. R. 67, 1965; adopted 1966.)

SECTION 30. *Legislative power over common carriers.*—The Legislature is invested with full power to pass laws for the correction of abuses and to prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property, or performing other services of a public nature; and shall provide for enforcing such laws by adequate penalties or forfeitures.

SECTION 31. *Free railroad passes to state officials prohibited.*—No railroad or other transportation company or common carrier in this State shall grant a free pass, or discount the fare paid by the public generally, to any member of the Legislature, or to any salaried officer of this State, and the Legislature shall prohibit the granting or receiving such free pass, or fare at a discount, by suitable penalties.

SECTION 32. *Legislature may create parole commission.*—The Legislature may create a Parole Commission empowered to grant paroles or conditional releases or probation under official supervision to prisoners or persons charged with criminal offenses, and may provide for the qualification and method of selecting the Commission members and for their term of office the length of which shall be wholly within the discretion of the Legislature.

(Section added by amendment, Senate Joint Resolution, 1001, Acts 1939; adopted at general election 1940).

SECTION 33 (32)*. *Salt water fish and salt water products; regulations, etc.*—The Legislature may vest in such Board or Commission, now created or that may be created by it, authority to make and establish rules and regulations without regard to uniformity of application, relating to the conservation of salt water fish and salt water products.

(Section added by Amendment, House Joint Resolution No. 560, Acts 1941, adopted General Election 1942).

SECTION 34. *Civil service system and boards.*—The Legislature may by general, special or local laws create Civil Service systems and Civil Service Boards for municipal, county and state employees and for municipal, county and state officers not appointed by the governor or elected by the people and the Legislature may authorize such Civil Service Boards to provide for the qualifications and method of employing such employees and officers and to prescribe the length of their terms of office or employment.

(Added S.J.R. 642, 1955; Adopted 1956.)

* Erroneously numbered 32 by Legislature.

**ARTICLE XVII
AMENDMENTS**

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| Sec.
1. Method of amending constitution.
2. Method of revising constitution; convention. | Sec.
3. Method of amending constitution at special election.
4. Additional method of revising or amending constitution. |
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SECTION 1. *Method of amending constitution.*—Either branch of the Legislature, at any regular session, or at any special or extra-ordinary session thereof called for such purpose either in the governor's original call or any amendment thereof, may propose the revision or amendment of any portion or portions of this Constitution. Any such revision or amendment may relate to one subject or any number of subjects, but no amendment shall consist of more than one revised article of the Constitution.

If the proposed revision or amendment is agreed to by three-fifths of the members elected to each House, it shall be entered upon their respective Journals with the yeas and nays and published in one newspaper in each county where a newspaper is published for two times, one publication to be made not earlier than ten weeks and the other not later than six weeks, immediately preceding the election at which the same is to be voted upon, and thereupon submitted to the electors of the State for approval or rejection at the next General Election, provided, however, that such revision or amendment may be submitted for approval or rejection in a special election under the conditions described in and in the manner provided by Section 3 of Article XVII of this Constitution. If a majority of the electors voting upon the amendment adopt such amendment the same shall become a part of this Constitution.

(Amended House Joint Resolution No. 118, Acts 1947; Adopted at General Election, 1948.)

SECTION 2. *Method of revising constitution; convention.*—If at any time the legislature, by a vote of two-thirds of all members of both houses shall determine that a revision of this constitution is necessary, such determination shall be entered upon their respective journals, with the yeas and nays thereon. Notice of said action shall be published weekly in one newspaper in every county in which a newspaper is published, for three months preceding the next general election of representatives, and in those counties where no newspaper is published, notice shall be given by posting at the several polling precincts in such counties for six weeks next preceding said election. The electors at said election may vote for or against the revision in question. If a majority of the electors so voting be in favor of revision, the legislature chosen at such election shall provide by law for a convention to revise the constitution and shall provide for the conduct and rules of such convention. The convention shall be held within six months after passage of the law, providing for the convention. Delegates to the convention shall equal in number and be apportioned among the various counties as the membership of the house of representatives is apportioned. The convention upon adoption of a revised constitution shall certify a copy of it to the governor. Five printed copies of the revised constitution shall be transmitted by the secretary of state to the clerk of the circuit court of each county, and five to the county judge of each county. These copies shall be distributed throughout the various counties and shall be available for examination by any person desiring to examine same for a period of at least three months immediately preceding the next general election. At this election the revised constitution shall be submitted to the electors of the state, for approval or rejection. If a majority of the electors voting upon the revision of the constitution shall approve same, the revised constitution shall take effect immediately upon such approval by the electors.

(Amended S. J. R. 115, 1965; adopted 1966.)

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SECTION 3. *Method of amending Constitution at Special Election.*—If at any regular or special or extra session, the Legislature, by vote of three-fourths of all members elected to each House, shall determine that an emergency requiring an early decision by the electors of the State exists, an amendment to this Constitution dealing with the subject matter of such emergency may be proposed, and if the proposed Amendment be agreed to by a three-fourths vote of all the members elected to each House, the same shall be entered upon their respective journals with the yeas and nays thereon. Thereupon, at the same session, the Legislature shall provide for a special election to be held not less than ninety nor more than one hundred eighty days after adjournment and for publication of notice thereof, at which special election the proposed Amendment shall be submitted to the electors of the State for approval or rejection; provided, that if a general election of Representatives is to occur within said period, such Amendment shall be submitted to the electors at such general election.

If a majority of the electors voting upon the proposed Amendment shall adopt the Amendment, the same shall become a part of this Constitution. This Amendment shall not be held to supersede or in anywise affect any existing provision of the Constitution relating to Amendments, but shall be regarded as an additional method of Amendment thereto.

(Section added by Amendment, Senate Joint Resolution No. 88, Act 1941, adopted General Election 1942).

SECTION 4. *Additional Method of Revising or Amending Constitution.*—As a method of revising the entire constitution of Florida, and as an additional method of revising or amending any portion or portions of it, either branch of the legislature, at any regular session, or at any special or extraordinary session called for the purpose, may propose by joint resolution a revision of the entire constitution or a revision or amendment of any portion or portions thereof and may direct and provide for an election thereon.

If the joint resolution is adopted by vote of three fifths of the members elected to each house, the yeas and nays shall be entered upon their respective journals, and the proposed revision or amendment shall be submitted to the electors of the state for ratification or rejection at the next general election held more than seventy days after the adoption of the resolution unless, by vote of three fourths of the members elected to each house, the legislature shall provide for submission at a special election at an earlier date. The secretary of state shall cause notice of the proposed revision or amendment and of the date of the election thereon to be published twice in one newspaper in each county in which a newspaper is published, the first publication to be not more than ten or less than eight weeks before the election and the second publication to be at least one week after the first and not less than four weeks before the election. If the proposed revision or amendment receives the favorable vote of a majority of the electors voting thereon, it shall take effect at noon on the first Tuesday after the first Monday of the January following the election if voted upon in a general election, and on the sixtieth day after the election if voted upon in a special election, or in either case on any date designated therein.

(Section added by H.J.R. 368, 1963; adopted 1964.)

ARTICLE XVIII
SCHEDULE

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| <p>Sec.</p> <ol style="list-style-type: none"> 1. Constitution of 1868 superseded; rights preserved. 2. Laws not inconsistent continue in force. 3. Officers to continue in office unless otherwise provided. 4. Office of Lieutenant-Governor not to be vacated until expiration of term. 5. Certain vacancies to be filled according to Constitution of 1868. 6. Term of appointees to fill vacancies. 7. Election to fill vacancies; terms. | <p>Sec.</p> <ol style="list-style-type: none"> 8. Commissioner of lands and immigration to assume office of commissioner of agriculture. 9. General elections. 10. First election of county offices. 11. Duty of president of convention. 12. Announcement of constitution; copies. 13. Courts to continue jurisdiction until new courts set up. 14. Commencement of terms of county officers. |
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SECTION 1. *Constitution of 1868 superseded; rights preserved.*—The Constitution adopted A. D. 1868, with amendments thereto is declared to be superseded by this Constitution: But all rights, actions, claims, and contracts, both as respects individuals and bodies corporate, shall continue to be as valid as if this Constitution had not been adopted. And all fines, taxes, penalties, and forfeitures due and owing to the State of Florida under the Constitution of 1868, shall inure to the use of the State under this Constitution.

SECTION 2. *Laws not inconsistent continue in force.*—All laws now in force not inconsistent with this Constitution shall continue in force until they shall expire by their own limitation, or be repealed by the Legislature.

SECTION 3. *Officers to continue in office unless otherwise provided.*—All persons holding any office or appointment at the radification of this Constitution shall continue in the exercise of the duties thereof according to their respective commissions or appointments, and until their successors are duly qualified, unless by this Constitution otherwise provided.

SECTION 4. *Office of Lieutenant-Governor not to be vacated until expiration of term.*—Nothing contained in this Constitution shall operate to vacate the office of Lieutenant Governor until the expiration of his present term.

SECTION 5. *Certain vacancies to be filled according to Constitution of 1868.*—All vacancies occurring by limitation of terms before the general election in 1888 shall be filled as provided for by law under the Constitution of 1868.

SECTION 6. *Term of appointees to fill vacancies.*—The term of office for all appointees to fill vacancies in any of the elective offices under this Constitution shall extend only to the first Tuesday after the first Monday in January next after the election and qualification of a successor.

(As amended by Senate Joint Resolution No. 203; of 1943; adopted general election 1944).

SECTION 7. *Election to fill vacancies; terms.*—In all cases of election to fill vacancies in office such election shall be for that part of the unexpired term commencing on the first Tuesday after the first Monday in January next after such election.

(As amended by Senate Joint Resolution No. 203; of 1943; adopted general election 1944).

SECTION 8. *Commissioner of lands and immigration to assume office of commissioner of agriculture.*—Upon the radification of this Constitution the Commissioner of Lands and Immigration shall assume the office of Commissioner of Agriculture and his duties as such shall be prescribed by the first Legislature assembled under this Constitution.

SECTION 9. *General elections.*—A general election shall be held in each

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county in this State on the first Tuesday after the first Monday in November, A. D. 1898, and every two years thereafter, for all elective State and County officers, whose terms of office are about to expire, or for any elective office that shall have become vacant.

(Amended, Joint Resolution 5, Acts 1895; adopted at general election, 1896).

SECTION 10. *First election of county offices.*—The first election for County Judge, Clerk of the Circuit Court, Sheriff, Tax Assessor, Tax Collector, County Treasurer, County Superintendent of Public Instruction, County Surveyor, Justices of the Peace, Constibles and all other elective County officers shall be at the general election in 1888.

SECTION 11. *Duty of president of convention.*—It shall be the duty of the president of this Convention immediately on its adjournment to certify to the Governor a copy of this Constitution.

SECTION 12. *Announcement of Constitution; copies.*—Upon receipt of such certified copy the Governor shall forthwith announce the fact by proclamation, to be published in such newspapers in this State as may be deemed requisite for general information, and five printed copies of such Constitution shall be transmitted by the Secretary of State to the Clerk of the Circuit Court, and five to the County Judge of each county, which shall be kept on file in their respective offices for examination by any person desiring the same.

SECTION 13. *Courts to continue jurisdiction until new courts set up.*—All Courts as now organized and constituted shall continue with their jurisdiction until the Legislature shall conform to the requirements of this Constitution the jurisdiction of such Courts as, under this Constitution, are to exercise in whole or in part the jurisdiction of Courts now organized.

SECTION 14. *Commencement of terms of county officers.*—The terms of office of all County officers, unless otherwise provided, shall commence on the first Tuesday after the first Monday in January next after their election.

**ARTICLE XIX
LOCAL OPTION**

- Sec.
1. Election; application.
 2. Legislature to provide for enforcement of this article.

- Sec.
3. Status as of 1918 to be same until changed by election.
 4. Article to become effective; when.

SECTION 1. *Election; application.*—The Board of County Commissioners of each County in the State, not oftener than once in every two years, upon the application of one-fourth of the registered voters of any County, shall call and provide for an election in the County in which application is made, to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited therein, the question to be determined by a majority of those voting at the election called under this Section, which election shall be conducted in the manner prescribed by law for holding general elections. Elections under this Section shall be held within sixty days from the time of presenting said application, but if any such election should thereby take place within sixty days of any State or National election, or primary, it shall be held within sixty days after such State or National election, or primary.

(Amended House Joint Resolution 83, Acts 1933; adopted at general election, 1934).

SECTION 2. *Legislature to provide for enforcement of this article.*—The Legislature shall provide by general or special or local Legislation laws to carry out and enforce the provisions of this Article. All laws relating to intoxicating

liquors, wines and beer which were in effect on December 31, 1918, unless changed by the Legislature by laws expressly made, effective concurrently with this amendment, shall as so changed become effective with this Article and shall so remain until thereafter changed by the Legislature. The power of the Legislature to provide necessary laws to carry out and enforce this Article shall include the right to provide for manufacture or sale by private individuals, firms and corporations or by the State or by Counties, Cities or political subdivisions, or by any governmental commission or agency to be created for that purpose.

(Amended House Joint Resolution 83, Acts 1933, adopted at general election, 1934).

SECTION 3. *Status as of 1918 to be same until changed by election.*—Until changed by elections called under this Article, the status of all territory in the State of Florida as to whether the sale is permitted or prohibited shall be the same as it was on December 31, 1918, provided that at the General Election in 1934 or at any time within two years after this Article becomes effective the Board of County Commissioners of any County shall, upon the application of five percent of the registered voters of the County, call and provide for an election to decide whether the sale shall be prohibited in such County, said election to be otherwise as provided in Article I hereof.

(Section added by amendment, House Joint Resolution 83, Acts 1933, adopted at general election, 1934).

SECTION 4. *Article to become effective; when.*—This Article shall become effective immediately upon its adoption and the repeal of Article XVIII of the Amendments to the Constitution of the United States of America.

(Section added by Amendment, House Joint Resolution 83, Acts 1933, adopted at general election, 1934).

ARTICLE XX
COUNTY OFFICERS

- | | |
|---|---------------------------------|
| Sec.
1. Assessment and collection officers for state, county, municipal, etc., taxes in Orange county. | Sec.
2. Referendum election. |
|---|---------------------------------|

SECTION 1. *Assessment and collection officers for state, county, municipal, etc., taxes in Orange County.*—The Legislature is authorized and empowered to provide by law or laws enacted by it at its regular session held in A. D. 1947, or at any regular session thereafter, for the consolidation, abolishing or creating of any County Offices in Orange County, Florida, provided, there is excepted from the effects of this Article judges of all courts; and to provide for the assessment and collection of municipal taxes and assessments, or either of them, by County tax officers in said County. Any law so enacted respecting the consolidation or creation of any County offices shall prescribe the powers, duties and compensation, of the officers designated therein to exercise and discharge the duties of the offices so consolidated or created; and any law so enacted respecting the assessment and collection of municipal taxes and assessments, or either of them, by county tax officers, shall provide for the assessing, collecting, accounting for and disbursing of said taxes and/or assessments to the appropriate municipal authorities, and for compensation for such county taxing officers for services rendered incident thereto. That if any such law respecting the consolidation or creation of any county offices is accepted and ratified at the referendum election herein provided, such law shall become effective with respect to the offices affected thereby on the first Tuesday after the first Monday in January of any year immediately succeeding the general election had

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subsequent to said referendum election at which electors for President of the United States are voted for; and if any such law respecting the assessment and collection of municipal taxes and assessments, or either of them, by county tax officers is accepted and ratified at the referendum election as provided herein, the same shall become effective on the first day of January next succeeding such referendum election.

(Added, S.J.R. 663, 1945; adopted 1946.)

SECTION 2. *Referendum election.*—Before any law described in the preceding section of this Article shall be of any force and effect, it shall be accepted and ratified by a majority vote of the qualified electors of Orange County, Florida, at a referendum election to be called and held for the purpose of determining whether such law shall be accepted and ratified or rejected by the qualified electors of said County. Such referendum election shall be held within ninety days after the effective date of any such law. The Board of County Commissioners shall provide for the holding of any such referendum election and notice thereof shall be published by said Board once each week for at least four successive weeks immediately next prior to the date of such election in a newspaper of general circulation in said County. Except as herein otherwise provided, the laws of the State relating to the holding of general elections shall cover the holding of any such referendum election. If any such law shall be accepted and ratified by the majority of electors participating in any such referendum election, such law shall become and be in full force and effect, but if at any such election a majority of the electors participating therein shall vote against the acceptance and ratification of such law, it shall be null and void and of no force and effect. The canvassing board of such County shall certify the result of any such referendum election to the Secretary of State within ten days after the holding thereof.

(Section added by Amendment. Senate Joint Resolution No. 663; Acts 1945. adopted at General Election 1946.)