

5 It is proposed by the Florida Constitution Revision Commission
6 that:

8 Section 1. Article I, Sections 4,16(a) and 23; Article
9 II, Section 5(b); Article III, Sections 3(f), 8(a) and (b),
10 and 17(b) and (c); Article IV, Sections 1(a) and (c), 2, 3(b),
11 4(e), and 7(a); Article V, Sections 2(b), 3(a), 8, 10(a),
12 11(c), 17, 18, and 20(c), (d) and (e), Article VII, Section
13 6(b); Article IX, Section 5; Article X, Sections 3 and 4(a);
14 Article XI, Sections 2(b) and (c) and 6(c) of the Florida
15 Constitution are amended to read:

ARTICLE T

DECLARATION OF RIGHTS

18 SECTION 4. Freedom of speech and press.--Every person
19 may speak, write and publish ~~his~~ sentiments on all subjects
20 but shall be responsible for the abuse of that right. No law
21 shall be passed to restrain or abridge the liberty of speech
22 or of the press. In all criminal prosecutions and civil
23 actions for defamation the truth may be given in evidence. If
24 the matter charged as defamatory is true and was published
25 with good motives, the party shall be acquitted or exonerated.

26 SECTION 16. Rights of accused and of victims.--

1 heard in person, by counsel or both, and to have a speedy and
2 public trial by impartial jury in the county where the crime
3 was committed. If the county is not known, the indictment or
4 information may charge venue in two or more counties
5 conjunctively and proof that the crime was committed in that
6 area shall be sufficient; but before pleading the accused may
7 elect in which of those counties the trial will take place he
8 ~~will be tried~~. Venue for prosecution of crimes committed
9 beyond the boundaries of the state shall be fixed by law.

10 SECTION 23. Right of privacy.--Every natural person
11 has the right to be let alone and free from governmental
12 intrusion into the person's his private life except as
13 otherwise provided herein. This section shall not be
14 construed to limit the public's right of access to public
15 records and meetings as provided by law.

ARTICLE II

GENERAL PROVISIONS

18 SECTION 5. Public officers.--

23 "I do solemnly swear (or affirm) that I will support,
24 protect, and defend the Constitution and Government of the
25 United States and of the State of Florida; that I am duly
26 qualified to hold office under the Constitution of the state;
27 and that I will well and faithfully perform the duties of
28 ... (title of office) ... on which I am now about to enter. So
29 help me God.",

1 and thereafter shall devote personal attention to the duties
2 of the office, and continue in office until a ~~his~~ successor
3 qualifies.

ARTICLE III

LEGISLATURE

SECTION 3. Sessions of the legislature.--

SECTION 8. Executive approval and veto.--

SECTION 17. Impeachment.--

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

15 (c) All impeachments by the house of representatives
16 shall be tried by the senate. The chief justice of the
17 supreme court, or another justice designated by the chief
18 justice ~~him~~, shall preside at the trial, except in a trial of
19 the chief justice, in which case the governor shall preside.
20 The senate shall determine the time for the trial of any
21 impeachment and may sit for the trial whether the house of
22 representatives be in session or not. The time fixed for trial
23 shall not be more than six months after the impeachment.
24 During an impeachment trial senators shall be upon their oath
25 or affirmation. No officer shall be convicted without the
26 concurrence of two-thirds of the members of the senate
27 present. Judgment of conviction in cases of impeachment shall
28 remove the offender from office and, in the discretion of the
29 senate, may include disqualification to hold any office of
30 honor, trust or profit. Conviction or acquittal shall not
31 affect the civil or criminal responsibility of the officer.

ARTICLE IV

EXECUTIVE

SECTION 1. Governor.--

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

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

SECTION 2. Lieutenant governor.--There shall be a lieutenant governor, who. ~~He~~ shall perform such duties pertaining to the office of governor as shall be assigned to ~~him~~ by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

SECTION 3. Succession to office of governor; acting governor.--

SECTION 4. Cabinet. --

22 SECTION 7. Suspensions; filling office during
23 suspensions.--

1 of suspension. The suspended officer may at any time before
2 removal be reinstated by the governor.

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.--

SECTION 3. Supreme court.--

25 SECTION 8. Eligibility.--No person shall be eligible
26 for office of justice or judge of any court unless the person
27 he is an elector of the state and resides in the territorial
28 jurisdiction of the his court. No justice or judge shall
29 serve after attaining the age of seventy years except upon
30 temporary assignment or to complete a term, one-half of which
31 he has been served. No person is eligible for the office of

1 justice of the supreme court or judge of a district court of
2 appeal unless the person ~~he~~ is, and has been for the preceding
3 ten years, a member of the bar of Florida. No person is
4 eligible for the office of circuit judge unless the person ~~he~~
5 is, and has been for the preceding five years, a member of the
6 bar of Florida. Unless otherwise provided by general law, no
7 person is eligible for the office of county court judge unless
8 the person ~~he~~ is, and has been for the preceding five years,
9 a member of the bar of Florida. Unless otherwise provided by
10 general law, a person shall be eligible for election or
11 appointment to the office of county court judge in a county
12 having a population of 40,000 or less if the person ~~he~~ is a
13 member in good standing of the bar of Florida.

14 SECTION 10. Retention; election and terms.--

15 (a) Any justice of the supreme court or any judge of a
16 district court of appeal may qualify for retention by a vote
17 of the electors in the general election next preceding the
18 expiration of the justice's or judge's his term in the manner
19 prescribed by law. If a justice or judge is ineligible or
20 fails to qualify for retention, a vacancy shall exist in that
21 office upon the expiration of the term being served by the
22 justice or judge. When a justice of the supreme court or a
23 judge of a district court of appeal so qualifies, the ballot
24 shall read substantially as follows: "Shall Justice (or Judge)
25 ...(name of justice or judge)... of the ...(name of the
26 court)... be retained in office?" If a majority of the
27 qualified electors voting within the territorial jurisdiction
28 of the court vote to retain, the justice or judge shall be
29 retained for a term of six years commencing on the first
30 Tuesday after the first Monday in January following the
31 general election. If a majority of the qualified electors

1 voting within the territorial jurisdiction of the court vote
2 to not retain, a vacancy shall exist in that office upon the
3 expiration of the term being served by the justice or judge.

4 SECTION 11. Vacancies.--

5 (c) The nominations shall be made within thirty days
6 from the occurrence of a vacancy unless the period is extended
7 by the governor for a time not to exceed thirty days. The
8 governor shall make the appointment within sixty days after
9 the nominations have been certified ~~to him~~.

10 SECTION 17. State attorneys.--In each judicial circuit
11 a state attorney shall be elected for a term of four years.
12 Except as otherwise provided in this constitution, the state
13 attorney ~~he~~ shall be the prosecuting officer of all trial
14 courts in that circuit and shall perform other duties
15 prescribed by general law; provided, however, when authorized
16 by general law, the violations of all municipal ordinances may
17 be prosecuted by municipal prosecutors. A state attorney
18 shall be an elector of the state and reside in the territorial
19 jurisdiction of the circuit; ~~He~~ shall be and have been a
20 member of the bar of Florida for the preceding five years; ~~He~~
21 ~~He~~ shall devote full time to the his duties of the office;
22 and, ~~he~~ shall not engage in the private practice of law.
23 State attorneys shall appoint such assistant state attorneys
24 as may be authorized by law.

25 SECTION 18. Public defenders.--In each judicial
26 circuit a public defender shall be elected for a term of four
27 years, who. ~~He~~ shall perform duties prescribed by general
28 law. A public defender shall be an elector of the state and
29 reside in the territorial jurisdiction of the circuit and. ~~He~~
30 shall be and have been a member of the Bar of Florida for the
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1 preceding five years. Public defenders shall appoint such
2 assistant public defenders as may be authorized by law.

3 SECTION 20. Schedule to Article V.--

4 (c) After this article becomes effective, and until
5 changed by general law consistent with sections 1 through 19
6 of this article:

7 (1) The supreme court shall have the jurisdiction
8 immediately theretofore exercised by it, and it shall
9 determine all proceedings pending before it on the effective
10 date of this article.

11 (2) The appellate districts shall be those in
12 existence on the date of adoption of this article. There
13 shall be a district court of appeal in each district. The
14 district courts of appeal shall have the jurisdiction
15 immediately theretofore exercised by the district courts of
16 appeal and shall determine all proceedings pending before them
17 on the effective date of this article.

18 (3) Circuit courts shall have jurisdiction of appeals
19 from county courts and municipal courts, except those appeals
20 which may be taken directly to the supreme court; and they
21 shall have exclusive original jurisdiction in all actions at
22 law not cognizable by the county courts; of proceedings
23 relating to the settlement of the estate of decedents and
24 minors, the granting of letters testamentary, guardianship,
25 involuntary hospitalization, the determination of
26 incompetency, and other jurisdiction usually pertaining to
27 courts of probate; in all cases in equity including all cases
28 relating to juveniles; of all felonies and of all misdemeanors
29 arising out of the same circumstances as a felony which is
30 also charged; in all cases involving legality of any tax
31 assessment or toll; in the action of ejectment; and in all

1 actions involving the titles or boundaries or right of
2 possession of real property. The circuit court may issue
3 injunctions. There shall be judicial circuits which shall be
4 the judicial circuits in existence on the date of adoption of
5 this article. The chief judge of a circuit may authorize a
6 county court judge to order emergency hospitalizations
7 pursuant to Chapter 71-131, Laws of Florida, in the absence
8 from the county of the circuit judge and the county court
9 judge shall have the power to issue all temporary orders and
10 temporary injunctions necessary or proper to the complete
11 exercise of such jurisdiction.

12 (4) County courts shall have original jurisdiction in
13 all criminal misdemeanor cases not cognizable by the circuit
14 courts, of all violations of municipal and county ordinances,
15 and of all actions at law in which the matter in controversy
16 does not exceed the sum of two thousand five hundred dollars
17 (\$2,500.00) exclusive of interest and costs, except those
18 within the exclusive jurisdiction of the circuit courts.

19 Judges of county courts shall be committing magistrates. The
20 county courts shall have jurisdiction now exercised by the
21 county judge's courts other than that vested in the circuit
22 court by subsection (c)(3) hereof, the jurisdiction now
23 exercised by the county courts, the claims court, the small
24 claims courts, the small claims magistrates courts,
25 magistrates courts, justice of the peace courts, municipal
26 courts and courts of chartered counties, including but not
27 limited to the counties referred to in Article VIII, sections
28 9, 10, 11 and 24 of the Constitution of 1885.

29 (5) Each judicial nominating commission shall be
30 composed of the following:

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1 a. Three members appointed by the Board of Governors
2 of The Florida Bar from among The Florida Bar members who are
3 actively engaged in the practice of law with offices within
4 the territorial jurisdiction of the affected court, district
5 or circuit;

6 b. Three electors who reside in the territorial
7 jurisdiction of the court or circuit appointed by the
8 governor; and

9 c. Three electors who reside in the territorial
10 jurisdiction of the court or circuit and who are not members
11 of the bar of Florida, selected and appointed by a majority
12 vote of the other six members of the commission.

13 (6) No justice or judge shall be a member of a
14 judicial nominating commission. A member of a judicial
15 nominating commission may hold public office other than
16 judicial office. No member shall be eligible for appointment
17 to state judicial office so long as that person he is a member
18 of a judicial nominating commission and for a period of two
19 years thereafter. All acts of a judicial nominating
20 commission shall be made with a concurrence of a majority of
21 its members.

22 (7) The members of a judicial nominating commission
23 shall serve for a term of four years except the terms of the
24 initial members of the judicial nominating commissions shall
25 expire as follows:

26 a. The terms of one member of category a. b. and c. in
27 subsection (c)(5) hereof shall expire on July 1, 1974;

28 b. The terms of one member of category a. b. and c. in
29 subsection (c)(5) hereof shall expire on July 1, 1975;

30 c. The terms of one member of category a. b. and c. in
31 subsection (c)(5) hereof shall expire on July 1, 1976;

1 census, shall not be required to be a member of the bar of
2 Florida.

3 (12) Municipal prosecutors may prosecute violations of
4 municipal ordinances.

5 (13) Justice shall mean a justice elected or appointed
6 to the supreme court and shall not include any judge assigned
7 from any court.

8 (d) When this article becomes effective:

9 (1) All courts not herein authorized, except as
10 provided by subsection (d)(4) of this section shall cease to
11 exist and jurisdiction to conclude all pending cases and
12 enforce all prior orders and judgments shall vest in the court
13 that would have jurisdiction of the cause if thereafter
14 instituted. All records of and property held by courts
15 abolished hereby shall be transferred to the proper office of
16 the appropriate court under this article.

17 (2) Judges of the following courts, if their terms do
18 not expire in 1973 and if they are eligible under subsection
19 (d)(8) hereof, shall become additional judges of the circuit
20 court for each of the counties of their respective circuits,
21 and shall serve as such circuit judges for the remainder of
22 the terms to which they were elected and shall be eligible for
23 election as circuit judges thereafter. These courts are: civil
24 court of record of Dade county, all criminal courts of record,
25 the felony courts of record of Alachua, Leon and Volusia
26 Counties, the courts of record of Broward, Brevard, Escambia,
27 Hillsborough, Lee, Manatee and Sarasota Counties, the civil
28 and criminal court of record of Pinellas County, and county
29 judge's courts and separate juvenile courts in counties having
30 a population in excess of 100,000 according to the 1970
31 federal census. On the effective date of this article, there

1 shall be an additional number of positions of circuit judges
2 equal to the number of existing circuit judges and the number
3 of judges of the above named courts whose term expires in
4 1973. Elections to such offices shall take place at the same
5 time and manner as elections to other state judicial offices
6 in 1972 and the terms of such offices shall be for a term of
7 six years. Unless changed pursuant to section nine of this
8 article, the number of circuit judges presently existing and
9 created by this subsection shall not be changed.

10 (3) In all counties having a population of less than
11 100,000 according to the 1970 federal census and having more
12 than one county judge on the date of the adoption of this
13 article, there shall be the same number of judges of the
14 county court as there are county judges existing on that date
15 unless changed pursuant to section 9 of this article.

16 (4) Municipal courts shall continue with their same
17 jurisdiction until amended or terminated in a manner
18 prescribed by special or general law or ordinances, or until
19 January 3, 1977, whichever occurs first. On that date all
20 municipal courts not previously abolished shall cease to
21 exist. Judges of municipal courts shall remain in office and
22 be subject to reappointment or reelection in the manner
23 prescribed by law until said courts are terminated pursuant to
24 the provisions of this subsection. Upon municipal courts
25 being terminated or abolished in accordance with the
26 provisions of this subsection, the judges thereof who are not
27 members of the bar of Florida, shall be eligible to seek
28 election as judges of county courts of their respective
29 counties.

30 (5) Judges, holding elective office in all other
31 courts abolished by this article, whose terms do not expire in

1 1973 including judges established pursuant to Article VIII,
2 sections 9 and 11 of the Constitution of 1885 shall serve as
3 judges of the county court for the remainder of the term to
4 which they were elected. Unless created pursuant to section
5 9, of this Article V such judicial office shall not continue
6 to exist thereafter.

7 (6) By March 21, 1972, the supreme court shall certify
8 the need for additional circuit and county judges. The
9 legislature in the 1972 regular session may by general law
10 create additional offices of judge, the terms of which shall
11 begin on the effective date of this article. Elections to
12 such offices shall take place at the same time and manner as
13 election to other state judicial offices in 1972.

14 (7) County judges of existing county judge's courts
15 and justices of the peace and magistrates' court who are not
16 members of bar of Florida shall be eligible to seek election
17 as county court judges of their respective counties.

18 (8) No judge of a court abolished by this article
19 shall become or be eligible to become a judge of the circuit
20 court unless the judge ~~he~~ has been a member of bar of Florida
21 for the preceding five years.

22 (9) The office of judges of all other courts abolished
23 by this article shall be abolished as of the effective date of
24 this article.

25 (10) The offices of county solicitor and prosecuting
26 attorney shall stand abolished, and all county solicitors and
27 prosecuting attorneys holding such offices upon the effective
28 date of this article shall become and serve as assistant state
29 attorneys for the circuits in which their counties are situate
30 for the remainder of their terms, with compensation not less
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1 than that received immediately before the effective date of
2 this article.

3 (e) LIMITED OPERATION OF SOME PROVISIONS.--

4 (1) All justices of the supreme court, judges of the
5 district courts of appeal and circuit judges in office upon
6 the effective date of this article shall retain their offices
7 for the remainder of their respective terms. All members of
8 the judicial qualifications commission in office upon the
9 effective date of this article shall retain their offices for
10 the remainder of their respective terms. Each state attorney
11 in office on the effective date of this article shall retain
12 the his office for the remainder of the his term.

13 (2) No justice or judge holding office immediately
14 after this article becomes effective who held judicial office
15 on July 1, 1957, shall be subject to retirement from judicial
16 office because of age pursuant to section 8 of this article.

17 ARTICLE VII

18 FINANCE AND TAXATION

19 SECTION 6. Homestead exemptions.--

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

27 ARTICLE IX

28 EDUCATION

29 SECTION 5. Superintendent of schools.--In each school
30 district there shall be a superintendent of schools who.—He
31 shall be elected at the general election in each year the

1 number of which is a multiple of four for a term of four
2 years; or, when provided by resolution of the district school
3 board, or by special law, approved by vote of the electors,
4 the district school superintendent in any school district
5 shall be employed by the district school board as provided by
6 general law. The resolution or special law may be rescinded or
7 repealed by either procedure after four years.

ARTICLE X

MISCELLANEOUS

10 SECTION 3. Vacancy in office.--Vacancy in office shall
11 occur upon the creation of an office, upon the death of the
12 incumbent or his removal from office, or resignation of the
13 incumbent or the incumbent's succession to another office,
14 unexplained absence for sixty consecutive days, or failure to
15 maintain the residence required when elected or appointed, and
16 upon failure of one elected or appointed to office to qualify
17 within thirty days from the commencement of the term.

18 SECTION 4. Homestead; exemptions.--

1 exemption shall be limited to the residence of the owner or
2 ~~the owner's his~~ family;
3 (2) personal property to the value of one thousand
4 dollars.

5 ARTICLE XI

6 AMENDMENTS

7 SECTION 2. Revision commission.--

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

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

19 SECTION 6. Taxation and budget reform commission.--

20 (c) At its initial meeting, the members of the
21 commission shall elect a member who is not a member of the
22 legislature to serve as chairperson chairman and the
23 commission shall adopt its rules of procedure. Thereafter,
24 the commission shall convene at the call of the chairperson
25 chairman. An affirmative vote of two thirds of the full
26 commission and the concurrence of a majority of the members
27 appointed by the governor pursuant to paragraph (a)(1), a
28 concurrence of a majority of the members appointed by the
29 speaker of the house of representatives pursuant to paragraph
30 (a)(2), and a concurrence of a majority of the members
31 appointed by the president of the senate pursuant to paragraph

1 (a)(2) shall be necessary for any revision of this
2 constitution or any part of it to be proposed by the
3 commission.

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