

By Commissioner Sundberg

1 A proposal to revise
2 ARTICLE I, s. 24; ARTICLE III, ss. 1, 2, 3, 4,
3 5, 7, 8, 9, 11, 15, 16, 17, 19; ARTICLE IV, ss.
4 6, 7, 9, 13; ARTICLE V, ss. 2, 9, 11, 12, 20;
5 ARTICLE VII, ss. 1, 5, 18; ARTICLE VIII, s. 6;
6 ARTICLE X, ss. 2, 12; ARTICLE XI, ss. 1, 2, 5,
7 6; ARTICLE XII, ss. 11, 12, 14, Fla. Const.,
8 and to create ARTICLE III, ss. 20, 21, ARTICLE
9 XII, s. 22, Fla. Const.; providing for a
10 unicameral Legislature.

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12 It is proposed by the Florida Constitution Revision Commission
13 that:

14
15 Section 1. Section 24 of Article I of the Florida
16 Constitution is revised by amending that section to read:

17 ARTICLE I
18 DECLARATION OF RIGHTS
19 SECTION 24. Access to public records and meetings.--
20 (a) Every person has the right to inspect or copy any
21 public record made or received in connection with the official
22 business of any public body, officer, or employee of the
23 state, or persons acting on their behalf, except with respect
24 to records exempted pursuant to this section or specifically
25 made confidential by this Constitution. This section
26 specifically includes the legislative, executive, and judicial
27 branches of government and each agency or department created
28 thereunder; counties, municipalities, and districts; and each
29 constitutional officer, board, and commission, or entity
30 created pursuant to law or this Constitution.

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1 (b) All meetings of any collegial public body of the
2 executive branch of state government or of any collegial
3 public body of a county, municipality, school district, or
4 special district, at which official acts are to be taken or at
5 which public business of such body is to be transacted or
6 discussed, shall be open and noticed to the public and
7 meetings of the legislature shall be open and noticed as
8 provided in Article III, Section 4(e), except with respect to
9 meetings exempted pursuant to this section or specifically
10 closed by this Constitution.

11 (c) This section shall be self-executing. The
12 legislature, however, may provide by general law for the
13 exemption of records from the requirements of subsection (a)
14 and the exemption of meetings from the requirements of
15 subsection (b), provided that such law shall state with
16 specificity the public necessity justifying the exemption and
17 shall be no broader than necessary to accomplish the stated
18 purpose of the law. The legislature shall enact laws
19 governing the enforcement of this section, ~~including the~~
20 ~~maintenance, control, destruction, disposal, and it~~
21 ~~disposition of records made public by this section, except~~
22 ~~that each house of the legislature~~ may adopt rules governing
23 the enforcement of this section in relation to records of the
24 legislative branch. Laws enacted pursuant to this subsection
25 shall contain only exemptions from the requirements of
26 subsections (a) or (b) and provisions governing the
27 enforcement of this section, and shall relate to one subject.
28 (d) All laws that are in effect on July 1, 1993, that
29 limit public access to records or meetings shall remain in
30 force, and such laws apply to records of the legislative and
31 judicial branches, until they are repealed. Rules of court

1 that are in effect on the date of adoption of this section
 2 that limit access to records shall remain in effect until they
 3 are repealed.

4 Section 2. Sections 1, 2, 3, 4, 5, 7, 8, 9, 11, 15,
 5 16, 17, and 19 of Article III of the Florida Constitution are
 6 revised by amending those sections to read:

7 ARTICLE III

8 LEGISLATURE

9 SECTION 1. Composition.--The legislative power of the
 10 state shall be vested in a legislature of the State of
 11 Florida, composed of a single chamber ~~consisting of a senate~~
 12 ~~composed of one senator elected from each senatorial district~~
 13 ~~and a house of representatives composed of one member elected~~
 14 ~~from each representative district.~~

15 SECTION 2. Organization and procedure ~~Members+~~
 16 ~~officers.~~--The legislature shall be the sole judge of the
 17 election and qualifications of its members. It shall choose
 18 its presiding officer biennially from among its members and
 19 employ a secretary to serve at its pleasure. It shall
 20 determine its rules of procedure. It may compel the
 21 attendance of its absent members, discipline its members, and,
 22 with the concurrence of two-thirds of all the members, expel a
 23 member.~~Each house shall be the sole judge of the~~
 24 ~~qualifications, elections, and returns of its members, and~~
 25 ~~shall biennially choose its officers, including a permanent~~
 26 ~~presiding officer selected from its membership, who shall be~~
 27 ~~designated in the senate as President of the Senate, and in~~
 28 ~~the house as Speaker of the House of Representatives. The~~
 29 ~~senate shall designate a Secretary to serve at its pleasure,~~
 30 ~~and the house of representatives shall designate a Clerk to~~
 31 ~~serve at its pleasure. The legislature shall appoint an~~

1 auditor to serve at its pleasure who shall audit public
2 records and perform related duties as prescribed by law ~~or~~
3 ~~concurrent resolution.~~

4 SECTION 3. Sessions of the legislature.--

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

9 (b) REGULAR SESSIONS. A regular session of the
10 legislature shall convene on the first Tuesday after the first
11 Monday in March of each odd-numbered year, and on the first
12 Tuesday after the first Monday in March, or such other date as
13 may be fixed by law, of each even-numbered year.

14 (c) SPECIAL SESSIONS.

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

21 (2) A special session of the legislature may be
22 convened as provided by law.

23 (d) LENGTH OF SESSIONS. A regular session of the
24 legislature shall not exceed sixty consecutive days, and a
25 special session shall not exceed twenty consecutive days,
26 unless extended beyond such limit by a three-fifths vote of
27 the legislature ~~each house~~. During such an extension no new
28 business may be taken up ~~in either house~~ without the consent
29 of two-thirds of the ~~its~~ membership.

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1 (e) ADJOURNMENT. The legislature may not ~~Neither~~
 2 ~~house shall~~ adjourn for more than seventy-two consecutive
 3 hours except pursuant to ~~concurrent~~ resolution.

4 (f) ADJOURNMENT BY GOVERNOR. If, during any regular
 5 or special session, the legislature ~~two houses~~ cannot agree
 6 upon a time for adjournment, the governor may adjourn the
 7 session sine die or to any date within the period authorized
 8 for such session; provided that, at least twenty-four hours
 9 before adjourning the session, he shall, while the legislature
 10 ~~neither house~~ is not in recess, give the legislature ~~each~~
 11 ~~house~~ formal written notice of his intention to do so, and
 12 agreement reached within that period by the legislature ~~both~~
 13 ~~houses~~ on a time for adjournment shall prevail.

14 SECTION 4. Quorum and procedure.--

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

20 ~~(b) Sessions of each house shall be public; except~~
 21 ~~sessions of the senate when considering appointment to or~~
 22 ~~removal from public office may be closed.~~

23 ~~(b)(c)~~ The legislature ~~Each house~~ shall keep and
 24 publish a journal of its proceedings, which shall be published
 25 from day to day; and upon the request of five members present,
 26 the vote of each member voting on any question shall be
 27 entered on the journal. In any legislative committee or
 28 subcommittee, the vote of each member voting on the final
 29 passage of any legislation pending before the committee, and
 30 upon the request of any two members of the committee or
 31 subcommittee, the vote of each member on any other question,

1 shall be recorded. Sessions of the legislature shall be
 2 public, except that sessions when considering appointment to
 3 or removal from public office may be closed.

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

7 (c)~~(e)~~ The rules of procedure of ~~each house~~ shall
 8 provide that all legislative committee and subcommittee
 9 meetings ~~of each house, and joint conference committee~~
 10 ~~meetings,~~ shall be open and noticed to the public. The rules
 11 of procedure of ~~each house~~ shall further provide that all
 12 prearranged gatherings, ~~between more than two members of the~~
 13 legislature, or between the governor and the presiding
 14 officer, ~~the president of the senate, or the speaker of the~~
 15 ~~house of representatives,~~ the purpose of which is to agree
 16 upon formal legislative action that will be taken at a
 17 subsequent time, or at which formal legislative action is
 18 taken, regarding pending legislation or amendments, shall be
 19 reasonably open to the public. All open meetings shall be
 20 subject to order and decorum. This section shall be
 21 implemented and defined by ~~the~~ rules of the legislature ~~each~~
 22 ~~house,~~ and such rules shall control admission to the floor of of
 23 the ~~each~~ legislative chamber and may, where reasonably
 24 necessary for security purposes or to protect a witness
 25 appearing before a committee, provide for the closure of
 26 committee meetings. The legislature is ~~Each house shall be~~
 27 the sole judge for the interpretation, implementation, and
 28 enforcement of this section.

29 SECTION 5. Investigations; witnesses.--The legislature
 30 ~~Each house, when in session,~~ may compel attendance of
 31 witnesses and production of documents and other evidence upon

1 any matter under investigation before it or any of its
 2 committees, and may punish by fine not exceeding one thousand
 3 dollars or imprisonment not exceeding ninety days, or both,
 4 any person not a member who has been guilty of disorderly or
 5 contemptuous conduct in its presence or has refused to obey
 6 its lawful summons or to answer lawful questions. Such
 7 powers, except the power to punish, may be conferred by law
 8 upon committees when the legislature is not in session.
 9 Punishment of contempt of an interim legislative committee
 10 shall be by judicial proceedings as prescribed by law.

11 SECTION 7. Passage of bills.--No bill shall become law
 12 unless it has been printed and upon the desks of the members
 13 in final form at least three days before final passage.~~Any~~
 14 ~~bill may originate in either house and after passage in one~~
 15 ~~may be amended in the other. It shall be read in each house~~
 16 ~~on three separate days, unless this rule is waived by~~
 17 ~~two-thirds vote; provided the publication of its title in the~~
 18 ~~journal of a house shall satisfy the requirement for the first~~
 19 ~~reading in that house. On each reading, it shall be read by~~
 20 ~~title only, unless one-third of the members present desire it~~
 21 ~~read in full.~~On final passage, the vote of each member voting
 22 shall be entered on the journal. Passage of a bill shall
 23 require a majority vote ~~in each house~~. Each act bill and joint
 24 resolution passed by the legislature in both houses shall be
 25 signed by its the presiding officer ~~officers of the respective~~
 26 ~~houses and its by the secretary of the senate and the clerk of~~
 27 ~~the house of representatives~~ during the session or as soon as
 28 practicable after its adjournment sine die.

29 SECTION 8. Executive approval and veto.--

30 (a) Every bill passed by the legislature shall be
 31 presented to the governor for his approval and shall become a

1 law if he approves and signs it, or fails to veto it, within
 2 seven consecutive days after presentation. If during that
 3 period or on the seventh day the legislature adjourns sine die
 4 or takes a recess of more than thirty days, he shall have
 5 fifteen consecutive days from the date of presentation to act
 6 on the bill. In all cases except general appropriation bills,
 7 the veto shall extend to the entire bill. The governor may
 8 veto any specific appropriation in a general appropriation
 9 bill, but may not veto any qualification or restriction
 10 without also vetoing the appropriation to which it relates.

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

19 (c) If the legislature ~~each house~~ shall, by a
 20 two-thirds vote, re-enacts ~~re-enact~~ the bill or reinstates
 21 ~~reinstate~~ the vetoed specific appropriation of a general
 22 appropriation bill, the vote of each member voting shall be
 23 entered on the journal ~~respective journals~~, and the bill shall
 24 become law or the specific appropriation reinstated, the veto
 25 notwithstanding.

26 SECTION 9. Effective date of laws.--Each law shall
 27 take effect on the sixtieth day after adjournment sine die of
 28 the session of the legislature in which enacted or as
 29 otherwise provided therein. If the law is passed over the
 30 veto of the governor, it shall take effect on the sixtieth day
 31 after adjournment sine die of the session in which the veto is

1 overridden, on a later date fixed in the law, or on a date
2 fixed by resolution passed by ~~both houses~~ of the legislature.

3 SECTION 11. Prohibited special laws.--

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

6 (1) Election, jurisdiction, or duties of officers,
7 except officers of municipalities, chartered counties, special
8 districts, or local governmental agencies;

9 (2) Assessment or collection of taxes for state or
10 county purposes, including extension of time therefor, relief
11 of tax officers from due performance of their duties, and
12 relief of their sureties from liability;

13 (3) Rules of evidence in any court;

14 (4) Punishment for crime;

15 (5) Petit juries, including compensation of jurors,
16 except establishment of jury commissions;

17 (6) Change of civil or criminal venue;

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

20 (8) Refund of money legally paid or remission of
21 fines, penalties, or forfeitures;

22 (9) Creation, enforcement, extension, or impairment of
23 liens based on private contracts, or fixing of interest rates
24 on private contracts;

25 (10) Disposal of public property, including any
26 interest therein, for private purposes;

27 (11) Vacation of roads;

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

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

1 (14) Change of name of any person;
 2 (15) Divorce;
 3 (16) Legitimation or adoption of persons;
 4 (17) Relief of minors from legal disabilities;
 5 (18) Transfer of any property interest of persons
 6 under legal disabilities or of estates of decedents;
 7 (19) Hunting or fresh water fishing;
 8 (20) Regulation of occupations which are regulated by
 9 a state agency; or
 10 (21) Any subject when prohibited by general law passed
 11 by a three-fifths vote of the membership of the legislature
 12 ~~each house~~. Such law may be amended or repealed by like vote.
 13 (b) In the enactment of general laws on other
 14 subjects, political subdivisions or other governmental
 15 entities may be classified only on a basis reasonably related
 16 to the subject of the law.
 17 SECTION 15. Terms and qualifications of legislators.--
 18 (a) TERMS ~~SENATORS~~. Legislators ~~Senators~~ shall be
 19 elected for terms of four years, those from odd-numbered
 20 districts in the years the numbers of which are multiples of
 21 four and those from even-numbered districts in even-numbered
 22 years the numbers of which are not multiples of four; except,
 23 at the election next following a reapportionment, some
 24 legislators ~~senators~~ shall be elected for terms of two years
 25 when necessary to maintain staggered terms.
 26 (b) DISTRICTS.--For the purpose of electing members of
 27 the legislature, the state shall be divided into as many
 28 districts as there are members of the legislature.
 29 ~~REPRESENTATIVES. Members of the house of representatives~~
 30 ~~shall be elected for terms of two years in each even-numbered~~
 31 ~~year.~~

1 (c) QUALIFICATIONS. Each legislator shall be at least
 2 twenty-one years of age ~~and~~, an elector and resident of the
 3 district from which elected and shall have resided in the
 4 state for a period of two years prior to election.

5 (d) ASSUMING OFFICE; VACANCIES. Members of the
 6 legislature shall take office upon election. Vacancies in
 7 legislative office shall be filled only by election as
 8 provided by law.

9 SECTION 16. Legislative and congressional
 10 apportionment.--

11 (a) REAPPORTIONMENT MANDATE. In each year ending in
 12 one, the state shall be divided into: As many congressional
 13 districts as there are United States Representatives
 14 apportioned to the state; not fewer than eighty or more than
 15 one hundred and twenty legislative districts. All legislative
 16 districts shall be single-member districts.

17 (b) REAPPORTIONMENT COMMISSION. In 2001, and
 18 thereafter in each year ending in one and at any other time of
 19 court-ordered reapportionment, a commission shall be
 20 established to prepare a reapportionment plan for
 21 congressional and state legislative districts. The commission
 22 shall consist of five electors, none of whom are elected
 23 public or party officers or employees of the state
 24 legislature. The president of the legislature, the minority
 25 leader of the legislature, and the chairman of the political
 26 party that received the second highest vote in the last
 27 gubernatorial election shall each submit to the governor and
 28 make public a list of not fewer than three persons. By July 1
 29 of the same year, the governor shall appoint one person from
 30 each list and one additional person. Within thirty days after
 31 appointments have been made, the four commissioners shall

1 select, by a vote of at least three commissioners, a fifth
2 commissioner who shall serve as chairman. Failure to select
3 the fifth commissioner within the time prescribed shall
4 constitute an impasse that automatically discharges the
5 commission. A new commission shall then be appointed in the
6 same manner as the original commission. The legislature shall
7 establish by law the qualifications of commissioners, the
8 procedures for their selection and for the filling of
9 vacancies, and the duties and powers of the commission. The
10 legislature shall appropriate funds to enable the commission
11 to carry out its duties.

12 (c) REAPPORTIONMENT STANDARDS.

13 (1) Congressional districts and state legislative
14 districts shall be as nearly equal in population as is
15 practicable, based on the population reported in the federal
16 census taken each year ending in zero. In no case may the
17 average of the absolute values of the population deviation of
18 all districts of the legislature exceed two percent of the
19 average population of all districts. Any population variance
20 must be justifiable as necessary for compliance with one or
21 more of the other standards set forth in this section. The
22 commission shall have the burden of justifying any variance
23 between the population of a district and the average
24 population of all districts.

25 (2) Districts shall be composed of convenient
26 contiguous territory and, consistent with paragraph (1), shall
27 be drawn to coincide with the boundaries of local political
28 subdivisions.

29 (3) The aggregate length of all district boundaries
30 shall be as short as practicable consistent with the standards
31 contained in paragraphs (1) and (2). In no case may the

1 aggregate length of the boundaries of all districts of a
2 house, as well as of all districts within a local political
3 subdivision that has a population sufficient to establish two
4 or more districts, exceed by more than five percent the
5 shortest possible aggregate length of all the districts under
6 any other plan that is consistent with the other standards
7 contained in this constitution.

8 (4) The commission shall prepare a plan that is
9 equitable to all electors. In preparing a plan, the
10 commission shall not use demographic information or
11 information about incumbent legislators, the political
12 affiliations of registered voters, or previous election
13 results for the purpose of favoring any political party,
14 incumbent legislator, or any other person or group.

15 (5) No district shall be drawn for the purpose of
16 diluting the voting strength of any language or racial
17 minority group.

18 (d) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen
19 days after the submission of an apportionment plan by the
20 commission, the attorney general shall petition the supreme
21 court of the state for a declaratory judgment determining the
22 validity of the apportionment plan. The supreme court, in
23 accordance with its rules, shall permit adversary interests to
24 present their views and, within sixty days after the filing of
25 the petition, shall enter its judgment. If the supreme court
26 determines the apportionment plan to be invalid in whole or in
27 part, the governor shall reconvene the commission which shall,
28 within thirty days, adopt an apportionment plan conforming to
29 the judgment of the supreme court. A revised plan shall be
30 subject to judicial review by the supreme court in the same
31 manner as the original plan.

1 (e) JUDICIAL REAPPORTIONMENT. If the commission fails
 2 to adopt a resolution of apportionment or if the supreme court
 3 determines that the apportionment made is invalid, the court
 4 shall, not later than sixty days after receiving the petition
 5 of the attorney general, file with the secretary of state an
 6 order making such apportionment drawn by the supreme court.

7 (f) SCHEDULE TO SECTION 16. The first election
 8 pursuant to this apportionment shall be held at the general
 9 election in 2002.

10 ~~(a) SENATORIAL AND REPRESENTATIVE DISTRICTS.~~ The
 11 ~~legislature at its regular session in the second year~~
 12 ~~following each decennial census, by joint resolution, shall~~
 13 ~~apportion the state in accordance with the constitution of the~~
 14 ~~state and of the United States into not less than thirty nor~~
 15 ~~more than forty consecutively numbered senatorial districts of~~
 16 ~~either contiguous, overlapping or identical territory, and~~
 17 ~~into not less than eighty nor more than one hundred twenty~~
 18 ~~consecutively numbered representative districts of either~~
 19 ~~contiguous, overlapping or identical territory. Should that~~
 20 ~~session adjourn without adopting such joint resolution, the~~
 21 ~~governor by proclamation shall reconvene the legislature~~
 22 ~~within thirty days in special apportionment session which~~
 23 ~~shall not exceed thirty consecutive days, during which no~~
 24 ~~other business shall be transacted, and it shall be the~~
 25 ~~mandatory duty of the legislature to adopt a joint resolution~~
 26 ~~of apportionment.~~

27 ~~(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL~~
 28 ~~REAPPORTIONMENT.~~ In the event a special apportionment session
 29 ~~of the legislature finally adjourns without adopting a joint~~
 30 ~~resolution of apportionment, the attorney general shall,~~
 31 ~~within five days, petition the supreme court of the state to~~

1 ~~make such apportionment. No later than the sixtieth day after~~
2 ~~the filing of such petition, the supreme court shall file with~~
3 ~~the secretary of state an order making such apportionment.~~

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

12 ~~(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY~~
13 ~~APPORTIONMENT SESSION. A judgment of the supreme court of the~~
14 ~~state determining the apportionment to be valid shall be~~
15 ~~binding upon all the citizens of the state. Should the~~
16 ~~supreme court determine that the apportionment made by the~~
17 ~~legislature is invalid, the governor by proclamation shall~~
18 ~~reconvene the legislature within five days thereafter in~~
19 ~~extraordinary apportionment session which shall not exceed~~
20 ~~fifteen days, during which the legislature shall adopt a joint~~
21 ~~resolution of apportionment conforming to the judgment of the~~
22 ~~supreme court.~~

23 ~~(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF~~
24 ~~APPORTIONMENT. Within fifteen days after the adjournment of~~
25 ~~an extraordinary apportionment session, the attorney general~~
26 ~~shall file a petition in the supreme court of the state~~
27 ~~setting forth the apportionment resolution adopted by the~~
28 ~~legislature, or if none has been adopted reporting that fact~~
29 ~~to the court. Consideration of the validity of a joint~~
30 ~~resolution of apportionment shall be had as provided for in~~
31

1 ~~cases of such joint resolution adopted at a regular or special~~
2 ~~apportionment session.~~

3 ~~(f) JUDICIAL REAPPORTIONMENT. Should an extraordinary~~
4 ~~apportionment session fail to adopt a resolution of~~
5 ~~apportionment or should the supreme court determine that the~~
6 ~~apportionment made is invalid, the court shall, not later than~~
7 ~~sixty days after receiving the petition of the attorney~~
8 ~~general, file with the secretary of state an order making such~~
9 ~~apportionment.~~

10 SECTION 17. Impeachment.--The legislature may impeach
11 the governor, the heads of principal departments, judicial
12 officers, and such other officers of the state as are made
13 subject to impeachment by law, by a two-thirds vote of all of
14 the members, and shall provide by law procedures for the
15 trial, and removal from office after conviction, of officers
16 so impeached. An officer may not be convicted on impeachment
17 by a vote of fewer than two-thirds of the members of the
18 tribunal hearing the charges.

19 ~~(a) The governor, lieutenant governor, members of the~~
20 ~~cabinet, justices of the supreme court, judges of district~~
21 ~~courts of appeal, judges of circuit courts, and judges of~~
22 ~~county courts shall be liable to impeachment for misdemeanor~~
23 ~~in office. The house of representatives by two-thirds vote~~
24 ~~shall have the power to impeach an officer. The speaker of~~
25 ~~the house of representatives shall have power at any time to~~
26 ~~appoint a committee to investigate charges against any officer~~
27 ~~subject to impeachment.~~

28 ~~(b) An officer impeached by the house of~~
29 ~~representatives shall be disqualified from performing any~~
30 ~~official duties until acquitted by the senate, and unless the~~
31

1 ~~governor is impeached he may by appointment fill the office~~
2 ~~until completion of the trial.~~

3 ~~(c) All impeachments by the house of representatives~~
4 ~~shall be tried by the senate. The chief justice of the~~
5 ~~supreme court, or another justice designated by him, shall~~
6 ~~preside at the trial, except in a trial of the chief justice,~~
7 ~~in which case the governor shall preside. The senate shall~~
8 ~~determine the time for the trial of any impeachment and may~~
9 ~~sit for the trial whether the house of representatives be in~~
10 ~~session or not. The time fixed for trial shall not be more~~
11 ~~than six months after the impeachment. During an impeachment~~
12 ~~trial senators shall be upon their oath or affirmation. No~~
13 ~~officer shall be convicted without the concurrence of~~
14 ~~two-thirds of the members of the senate present. Judgment of~~
15 ~~conviction in cases of impeachment shall remove the offender~~
16 ~~from office and, in the discretion of the senate, may include~~
17 ~~disqualification to hold any office of honor, trust or profit.~~
18 ~~Conviction or acquittal shall not affect the civil or criminal~~
19 ~~responsibility of the officer.~~

20 SECTION 19. State Budgeting, Planning and
21 Appropriations Processes.--

22 (a) ANNUAL BUDGETING. Effective July 1, 1994, general
23 law shall prescribe the adoption of annual state budgetary and
24 planning processes and require that detail reflecting the
25 annualized costs of the state budget and reflecting the
26 nonrecurring costs of the budget requests shall accompany
27 state department and agency legislative budget requests, the
28 governor's recommended budget, and appropriation bills. For
29 purposes of this subsection, the terms department and agency
30 shall include the judicial branch.

31

1 (b) APPROPRIATION BILLS FORMAT. Separate sections
2 within the general appropriation bill shall be used for each
3 major program area of the state budget; major program areas
4 shall include: education enhancement "lottery" trust fund
5 items; education (all other funds); human services; criminal
6 justice and corrections; natural resources, environment,
7 growth management, and transportation; general government; and
8 judicial branch. Each major program area shall include an
9 itemization of expenditures for: state operations; state
10 capital outlay; aid to local governments and nonprofit
11 organizations operations; aid to local governments and
12 nonprofit organizations capital outlay; federal funds and the
13 associated state matching funds; spending authorizations for
14 operations; and spending authorizations for capital outlay.
15 Additionally, appropriation bills passed by the legislature
16 shall include an itemization of specific appropriations that
17 exceed one million dollars (\$1,000,000.00) in 1992 dollars.
18 For purposes of this subsection, "specific appropriation,"
19 "itemization," and "major program area" shall be defined by
20 law. This itemization threshold shall be adjusted by general
21 law every four years to reflect the rate of inflation or
22 deflation as indicated in the Consumer Price Index for All
23 Urban Consumers, U.S. City Average, All Items, or successor
24 reports as reported by the United States Department of Labor,
25 Bureau of Labor Statistics or its successor. Substantive bills
26 containing appropriations shall also be subject to the
27 itemization requirement mandated under this provision and
28 shall be subject to the governor's specific appropriation veto
29 power described in Article III, Section 8. This subsection
30 shall be effective July 1, 1994.

31

1 (c) APPROPRIATIONS REVIEW PROCESS. Effective July 1,
2 1993, general law shall prescribe requirements for each
3 department and agency of state government to submit a planning
4 document and supporting budget request for review by the
5 appropriations committees of both houses of the legislature.
6 The review shall include a comparison of the major issues in
7 the planning document and budget requests to those major
8 issues included in the governor's recommended budget. For
9 purposes of this subsection, the terms department and agency
10 shall include the judicial branch.

11 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. Effective
12 November 4, 1992, all general appropriation bills shall be
13 furnished to each member of the legislature, each member of
14 the cabinet, the governor, and the chief justice of the
15 supreme court at least seventy-two hours before final passage
16 thereof, ~~by either house of the legislature.~~

17 (e) FINAL BUDGET REPORT. Effective November 4, 1992,
18 a final budget report shall be prepared as prescribed by
19 general law. The final budget report shall be produced no
20 later than the 90th day after the beginning of the fiscal
21 year, and copies of the report shall be furnished to each
22 member of the legislature, the head of each department and
23 agency of the state, the auditor general, and the chief
24 justice of the supreme court.

25 (f) TRUST FUNDS.

26 (1) No trust fund of the State of Florida or other
27 public body may be created by law without a three-fifths
28 (3/5) vote of the membership of ~~each house of the~~
29 legislature in a separate bill for that purpose only.

30 (2) State trust funds in existence before the
31 effective date of this subsection shall terminate not more

1 than four years after the effective date of this subsection.
2 State trust funds created after the effective date of this
3 subsection shall terminate not more than four years after the
4 effective date of the act authorizing the creation of the
5 trust fund. By law the legislature may set a shorter time
6 period for which any trust fund is authorized.

7 (3) Trust funds required by federal programs or
8 mandates; trust funds established for bond covenants,
9 indentures, or resolutions, whose revenues are legally pledged
10 by the state or public body to meet debt service or other
11 financial requirements of any debt obligations of the state or
12 any public body; the state transportation trust fund; the
13 trust fund containing the net annual proceeds from the Florida
14 Education Lotteries; the Florida retirement trust fund; trust
15 funds for institutions under the management of the Board of
16 Regents, where such trust funds are for auxiliary enterprises
17 and contracts, grants, and donations, as those terms are
18 defined by general law; trust funds that serve as clearing
19 funds or accounts for the comptroller or state agencies; trust
20 funds that account for assets held by the state in a trustee
21 capacity as an agent or fiduciary for individuals, private
22 organizations, or other governmental units; and other trust
23 funds authorized by this Constitution, are not subject to the
24 requirements set forth in paragraph (2) of this subsection.

25 (4) All cash balances and income of any trust funds
26 abolished under this subsection shall be deposited into the
27 general revenue fund.

28 (5) The provisions of this subsection shall be
29 effective November 4, 1992.

30 (g) BUDGET STABILIZATION FUND. Beginning with the
31 1994-1995 fiscal year, at least 1% of an amount equal to the

1 last completed fiscal year's net revenue collections for the
2 general revenue fund shall be retained in a budget
3 stabilization fund. The budget stabilization fund shall be
4 increased to at least 2% of such ~~said~~ amount for the 1995-1996
5 fiscal year, at least 3% of such ~~said~~ amount for the 1996-1997
6 fiscal year, at least 4% of such ~~said~~ amount for the 1997-1998
7 fiscal year, and at least 5% of such ~~said~~ amount for the
8 1998-1999 fiscal year. Subject to the provisions of this
9 subsection, the budget stabilization fund shall be maintained
10 at an amount equal to at least 5% of the last completed fiscal
11 year's net revenue collections for the general revenue fund.
12 The budget stabilization fund's principal balance shall not
13 exceed an amount equal to 10% of the last completed fiscal
14 year's net revenue collections for the general revenue fund.
15 The legislature shall provide criteria for withdrawing funds
16 from the budget stabilization fund in a separate bill for that
17 purpose only and only for the purpose of covering revenue
18 shortfalls of the general revenue fund or for the purpose of
19 providing funding for an emergency, as defined by general law.
20 General law shall provide for the restoration of this fund.
21 The budget stabilization fund shall be comprised of funds not
22 otherwise obligated or committed for any purpose.

23 (h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY
24 PLANNING DOCUMENT PROCESSES. The governor shall recommend to
25 the legislature biennially any revisions to the state planning
26 document, as defined by law. General law shall require a
27 biennial review and revision of the state planning document,
28 shall require the governor to report to the legislature on the
29 progress in achieving the state planning document's goals, and
30 shall require all departments and agencies of state government
31 to develop planning documents consistent with the state

1 planning document. The state planning document and department
 2 and agency planning documents shall remain subject to review
 3 and revision by the legislature. The department and agency
 4 planning documents shall include a prioritized listing of
 5 planned expenditures for review and possible reduction in the
 6 event of revenue shortfalls, as defined by general law. To
 7 ensure productivity and efficiency in the executive,
 8 legislative, and judicial branches, a quality management and
 9 accountability program shall be implemented by general law.
 10 For the purposes of this subsection, the terms department and
 11 agency shall include the judicial branch. This subsection
 12 shall be effective July 1, 1993.

13 Section 3. Sections 20 and 21 of Article III of the
 14 Florida Constitution are created to read:

15 ARTICLE III

16 LEGISLATURE

17 SECTION 20. Compensation of Members.--The members of
 18 the legislature shall receive an annual salary and such
 19 allowances as are prescribed by law, but any increase or
 20 decrease in the amount thereof shall not apply to the
 21 legislature that enacted it.

22 SECTION 21. Committees.--The legislature may establish
 23 such committees as it deems necessary for the conduct of its
 24 business. The presiding officer of the legislature shall
 25 appoint members to serve on such committees. The members of
 26 each committee so appointed shall elect by majority vote a
 27 chairman and a vice chairman. The chairman or vice chairman
 28 may be relieved of duty at any time by a two-thirds vote of
 29 the committee members. When a committee to which a bill has
 30 been assigned has not reported on it, upon written
 31 authorization of the prime sponsor, one-third of all the

1 members of the legislature shall have power to relieve the
 2 committee of further consideration of the bill, whereupon the
 3 bill shall be withdrawn from the committee, placed upon the
 4 calendar, and taken up instanter.

5 Section 4. Sections 6, 7, 9, and 13 of Article IV of
 6 the Florida Constitution are revised by amending those
 7 sections to read:

8 ARTICLE IV

9 EXECUTIVE

10 SECTION 6. Executive departments.--All functions of
 11 the executive branch of state government shall be allotted
 12 among not more than twenty-five departments, exclusive of
 13 those specifically provided for or authorized in this
 14 constitution. The administration of each department, unless
 15 otherwise provided in this constitution, shall be placed by
 16 law under the direct supervision of the governor, the
 17 lieutenant governor, the governor and cabinet, a cabinet
 18 member, or an officer or board appointed by and serving at the
 19 pleasure of the governor, except:

20 (a) When provided by law, confirmation by the
 21 legislature ~~senate~~ or the approval of three members of the
 22 cabinet shall be required for appointment to or removal from
 23 any designated statutory office.

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

28 SECTION 7. Suspensions; filling office during
 29 suspensions.--

30 (a) By executive order stating the grounds and filed
 31 with the secretary of state, the governor may suspend from

1 office any state officer not subject to impeachment, any
 2 officer of the militia not in the active service of the United
 3 States, or any county officer, for malfeasance, misfeasance,
 4 neglect of duty, drunkenness, incompetence, permanent
 5 inability to perform his official duties, or commission of a
 6 felony, and may fill the office by appointment for the period
 7 of suspension. The suspended officer may at any time before
 8 removal be reinstated by the governor.

9 (b) The legislature ~~senate~~ may, in proceedings
 10 prescribed by law, remove from office or reinstate the
 11 suspended official, and for such purpose the legislature
 12 ~~senate~~ may be convened in special session by its presiding
 13 officer ~~president~~ or by a majority of its membership.

14 (c) By order of the governor, any elected municipal
 15 officer indicted for crime may be suspended from office until
 16 acquitted and the office filled by appointment for the period
 17 of suspension, not to extend beyond the term, unless these
 18 powers are vested elsewhere by law or the municipal charter.

19 SECTION 9. Game and fresh water fish
 20 commission.--There shall be a game and fresh water fish
 21 commission, composed of five members appointed by the governor
 22 subject to confirmation by the legislature ~~senate~~ for
 23 staggered terms of five years. The commission shall exercise
 24 the regulatory and executive powers of the state with respect
 25 to wild animal life and fresh water aquatic life, except that
 26 all license fees for taking wild animal life and fresh water
 27 aquatic life and penalties for violating regulations of the
 28 commission shall be prescribed by specific statute. The
 29 legislature may enact laws in aid of the commission, not
 30 inconsistent with this section. The commission's exercise of
 31 executive powers in the area of planning, budgeting, personnel

1 management, and purchasing shall be as provided by law.
 2 Revenue derived from such license fees shall be appropriated
 3 to the commission by the legislature for the purpose of
 4 management, protection, and conservation of wild animal life
 5 and fresh water aquatic life.

6 SECTION 13. Revenue Shortfalls.--In the event of
 7 revenue shortfalls, as defined by general law, the governor
 8 and cabinet may establish all necessary reductions in the
 9 state budget in order to comply with the provisions of Article
 10 VII, Section 1(d). The governor and cabinet shall implement
 11 all necessary reductions for the executive budget, the chief
 12 justice of the supreme court shall implement all necessary
 13 reductions for the judicial budget, and the presiding officer
 14 of the legislature ~~speaker of the house of representatives and~~
 15 ~~the president of the senate~~ shall implement all necessary
 16 reductions for the legislative budget. Budget reductions
 17 pursuant to this section shall be consistent with the
 18 provisions of Article III, Section 19(h).

19 Section 5. Sections 2, 9, 11, 12, and 20 of Article V
 20 of the Florida Constitution are revised by amending those
 21 sections to read:

22 ARTICLE V

23 JUDICIARY

24 SECTION 2. Administration; practice and procedure.--
 25 (a) The supreme court shall adopt rules for the
 26 practice and procedure in all courts including the time for
 27 seeking appellate review, the administrative supervision of
 28 all courts, the transfer to the court having jurisdiction of
 29 any proceeding when the jurisdiction of another court has been
 30 improvidently invoked, and a requirement that no cause shall
 31 be dismissed because an improper remedy has been sought.

1 These rules may be repealed by general law enacted by
2 two-thirds vote of the membership of ~~each house of~~ the
3 legislature.

4 (b) The chief justice of the supreme court shall be
5 chosen by a majority of the members of the court. He shall be
6 the chief administrative officer of the judicial system. He
7 shall have the power to assign justices or judges, including
8 consenting retired justices or judges, to temporary duty in
9 any court for which the judge is qualified and to delegate to
10 a chief judge of a judicial circuit the power to assign judges
11 for duty in his respective circuit.

12 (c) A chief judge for each district court of appeal
13 shall be chosen by a majority of the judges thereof or, if
14 there is no majority, by the chief justice. The chief judge
15 shall be responsible for the administrative supervision of the
16 court.

17 (d) A chief judge in each circuit shall be chosen from
18 among the circuit judges as provided by supreme court rule.
19 The chief judge shall be responsible for the administrative
20 supervision of the circuit courts and county courts in his
21 circuit.

22 SECTION 9. Determination of number of judges.--The
23 supreme court shall establish by rule uniform criteria for the
24 determination of the need for additional judges except supreme
25 court justices, the necessity for decreasing the number of
26 judges and for increasing, decreasing or redefining appellate
27 districts and judicial circuits. If the supreme court finds
28 that a need exists for increasing or decreasing the number of
29 judges or increasing, decreasing, or redefining appellate
30 districts and judicial circuits, it shall, prior to the next
31 regular session of the legislature, certify to the legislature

1 its findings and recommendations concerning such need. Upon
2 receipt of such certificate, the legislature, at the next
3 regular session, shall consider the findings and
4 recommendations and may reject the recommendations or by law
5 implement the recommendations in whole or in part; however,
6 ~~provided~~ the legislature may create more judicial offices than
7 are recommended by the supreme court or may decrease the
8 number of judicial offices by a greater number than
9 recommended by the court only upon a finding of two-thirds of
10 the membership of ~~both houses~~ of the legislature, that such a
11 need exists. A decrease in the number of judges shall be
12 effective only after the expiration of a term. If the supreme
13 court fails to make findings as provided above when need
14 exists, the legislature may by ~~concurrent~~ resolution request
15 the court to certify its findings and recommendations and upon
16 the failure of the court to certify its findings for nine
17 consecutive months, the legislature may, upon a finding of
18 two-thirds of the membership of ~~both houses~~ of the legislature
19 that a need exists, increase or decrease the number of judges
20 or increase, decrease or redefine appellate districts and
21 judicial circuits.

22 SECTION 11. Vacancies.--

23 (a) The governor shall fill each vacancy on the
24 supreme court or on a district court of appeal by appointing
25 for a term ending on the first Tuesday after the first Monday
26 in January of the year following the next general election
27 occurring at least one year after the date of appointment, one
28 of not fewer than three persons nor more than six persons
29 nominated by the appropriate judicial nominating commission.

30 (b) The governor shall fill each vacancy on a circuit
31 court or on a county court by appointing for a term ending on

1 the first Tuesday after the first Monday in January of the
 2 year following the next primary and general election occurring
 3 at least one year after the date of appointment, one of not
 4 fewer than three persons nor more than six persons nominated
 5 by the appropriate judicial nominating commission. An
 6 election shall be held to fill that judicial office for the
 7 term of the office beginning at the end of the appointed term.

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

13 (d) There shall be a separate judicial nominating
 14 commission as provided by general law for the supreme court,
 15 each district court of appeal, and each judicial circuit for
 16 all trial courts within the circuit. Uniform rules of
 17 procedure shall be established by the judicial nominating
 18 commissions at each level of the court system. Such rules, or
 19 any part thereof, may be repealed by general law enacted by a
 20 majority vote of the membership of ~~each house of the~~
 21 legislature, or by the supreme court, five justices
 22 concurring. Except for deliberations of the judicial
 23 nominating commissions, the proceedings of the commissions and
 24 their records shall be open to the public.

25 SECTION 12. Discipline; removal and retirement.--

26 (a) JUDICIAL QUALIFICATIONS COMMISSION.--A judicial
 27 qualifications commission is created.

28 (1) There shall be a judicial qualifications
 29 commission vested with jurisdiction to investigate and
 30 recommend to the Supreme Court of Florida the removal from
 31 office of any justice or judge whose conduct, during term of

1 office or otherwise occurring on or after November 1, 1966,
2 (without regard to the effective date of this section)
3 demonstrates a present unfitness to hold office, and to
4 investigate and recommend the discipline of a justice or judge
5 whose conduct, during term of office or otherwise occurring on
6 or after November 1, 1966 (without regard to the effective
7 date of this section), warrants such discipline. For purposes
8 of this section, discipline is defined as any or all of the
9 following: reprimand, fine, suspension with or without pay, or
10 lawyer discipline. The commission shall have jurisdiction over
11 justices and judges regarding allegations that misconduct
12 occurred before or during service as a justice or judge if a
13 complaint is made no later than one year following service as
14 a justice or judge. The commission shall have jurisdiction
15 regarding allegations of incapacity during service as a
16 justice or judge. The commission shall be composed of:

17 a. Two judges of district courts of appeal selected by
18 the judges of those courts, two circuit judges selected by the
19 judges of the circuit courts, and two judges of county courts
20 selected by the judges of those courts;

21 b. Four electors who reside in the state, who are
22 members of the bar of Florida, and who shall be chosen by the
23 governing body of the bar of Florida; and

24 c. Five electors who reside in the state, who have
25 never held judicial office or been members of the bar of
26 Florida, and who shall be appointed by the governor.

27 (2) The members of the judicial qualifications
28 commission shall serve staggered terms, not to exceed six
29 years, as prescribed by general law. No member of the
30 commission except a judge shall be eligible for state judicial
31 office while acting as a member of the commission and for a

1 period of two years thereafter. No member of the commission
2 shall hold office in a political party or participate in any
3 campaign for judicial office or hold public office; however,
4 ~~provided that~~ a judge may campaign for judicial office and
5 hold that office. The commission shall elect one of its
6 members as its chairperson.

7 (3) Members of the judicial qualifications commission
8 not subject to impeachment shall be subject to removal from
9 the commission pursuant to ~~the provisions of~~ Article IV,
10 Section 7, Florida Constitution.

11 (4) The commission shall adopt rules regulating its
12 proceedings, the filling of vacancies by the appointing
13 authorities, the disqualification of members, the rotation of
14 members between the panels, and the temporary replacement of
15 disqualified or incapacitated members. The commission's
16 rules, or any part thereof, may be repealed by general law
17 enacted by a majority vote of the membership of ~~each house of~~
18 the legislature, or by the supreme court, five justices
19 concurring. The commission shall have power to issue
20 subpoenas. Until formal charges against a justice or judge are
21 filed by the investigative panel with the clerk of the supreme
22 court of Florida all proceedings by or before the commission
23 shall be confidential; ~~provided,~~ however, upon a finding of
24 probable cause and the filing by the investigative panel with
25 such said clerk of such formal charges against a justice or
26 judge such charges and all further proceedings before the
27 commission shall be public.

28 (5) The commission shall have access to all
29 information from all executive, legislative, and judicial
30 agencies, including grand juries, subject to the rules of the
31 commission. At any time, on request of the presiding officer

1 of the legislature ~~speaker of the house of representatives~~ or
2 the governor, the commission shall make available all
3 information in the possession of the commission for use in
4 consideration of impeachment or suspension, respectively.

5 (b) PANELS.--The commission shall be divided into an
6 investigative panel and a hearing panel as established by rule
7 of the commission. The investigative panel is vested with the
8 jurisdiction to receive or initiate complaints, conduct
9 investigations, dismiss complaints, and upon a vote of a
10 simple majority of the panel submit formal charges to the
11 hearing panel. The hearing panel is vested with the authority
12 to receive and hear formal charges from the investigative
13 panel and upon a two-thirds vote of the panel recommend to the
14 supreme court the removal of a justice or judge or the
15 involuntary retirement of a justice or judge for any permanent
16 disability that seriously interferes with the performance of
17 judicial duties. Upon a simple majority vote of the membership
18 of the hearing panel, the panel may recommend to the supreme
19 court that the justice or judge be subject to appropriate
20 discipline.

21 (c) SUPREME COURT.--The supreme court shall receive
22 recommendations from the judicial qualifications commission's
23 hearing panel.

24 (1) The supreme court may accept, reject, or modify in
25 whole or in part the findings, conclusions, and
26 recommendations of the commission, and it may order that the
27 justice or judge be subjected to appropriate discipline, ~~or~~ be
28 removed from office with termination of compensation for
29 willful or persistent failure to perform judicial duties or
30 for other conduct unbecoming a member of the judiciary
31 demonstrating a present unfitness to hold office, or be

1 involuntarily retired for any permanent disability that
2 seriously interferes with the performance of judicial duties.
3 Malafides, scienter, or moral turpitude on the part of a
4 justice or judge shall not be required for removal from office
5 of a justice or judge whose conduct demonstrates a present
6 unfitness to hold office. After the filing of a formal
7 proceeding and upon request of the investigative panel, the
8 supreme court may suspend the justice or judge from office,
9 with or without compensation, pending final determination of
10 the inquiry.

11 (2) The supreme court may award costs to the
12 prevailing party.

13 (d) The power of removal conferred by this section
14 shall be both alternative and cumulative to the power of
15 impeachment.

16 (e) Notwithstanding any of the foregoing provisions of
17 this section, if the person who is the subject of proceedings
18 by the judicial qualifications commission is a justice of the
19 supreme court of Florida all justices of such court
20 automatically shall be disqualified to sit as justices of such
21 court with respect to all proceedings therein concerning such
22 person and the supreme court for such purposes shall be
23 composed of a panel consisting of the seven chief judges of
24 the judicial circuits of the state of Florida most senior in
25 tenure of judicial office as circuit judge. For purposes of
26 determining seniority of such circuit judges in the event
27 there be judges of equal tenure in judicial office as circuit
28 judge, the judge or judges from the lower numbered circuit or
29 circuits shall be deemed senior. In the event any such chief
30 circuit judge is under investigation by the judicial
31 qualifications commission or is otherwise disqualified or

1 unable to serve on the panel, the next most senior chief
2 circuit judge or judges shall serve in place of such
3 disqualified or disabled chief circuit judge.

4 (f) SCHEDULE TO SECTION 12.--

5 (1) Except to the extent inconsistent with the
6 provisions of this section, all provisions of law and rules of
7 court in force on the effective date of this article shall
8 continue in effect until superseded in the manner authorized
9 by the constitution.

10 (2) After this section becomes effective and until
11 adopted by rule of the commission consistent with it:

12 a. The commission shall be divided, as determined by
13 the chairperson, into one investigative panel and one hearing
14 panel to meet the responsibilities set forth in this section.

15 b. The investigative panel shall be composed of:

- 16 1. Four judges,
- 17 2. Two members of the bar of Florida, and
- 18 3. Three non-lawyers.

19 c. The hearing panel shall be composed of:

- 20 1. Two judges,
- 21 2. Two members of the bar of Florida, and
- 22 3. Two non-lawyers.

23 d. Membership on the panels may rotate in a manner
24 determined by the rules of the commission, but ~~provided that~~
25 no member shall vote as a member of the investigative and
26 hearing panel on the same proceeding.

27 e. The commission shall hire separate staff for each
28 panel.

29 f. The members of the commission shall serve for
30 staggered terms of six years.

31

1 g. The terms of office of the present members of the
2 judicial qualifications commission shall expire upon the
3 effective date of the amendments to this section approved by
4 the legislature during the regular session of the legislature
5 in 1996 and new members shall be appointed to serve the
6 following staggered terms:

7 1. Group I.--The terms of five members, composed of
8 two electors as set forth in s. 12(a)(1)c. of Article V, one
9 member of the bar of Florida as set forth in s. 12(a)(1)b. of
10 Article V, one judge from the district courts of appeal and
11 one circuit judge as set forth in s. 12(a)(1)a. of Article V,
12 shall expire on December 31, 1998.

13 2. Group II.--The terms of five members, composed of
14 one elector as set forth in s. 12(a)(1)c. of Article V, one
15 member of the bar of Florida as set forth in s. 12(a)(1)b. of
16 Article V, one circuit judge and one county judge as set forth
17 in s. 12(a)(1)a. of Article V shall expire on December 31,
18 2000.

19 3. Group III.--The terms of five members, composed of
20 two electors as set forth in s. 12(a)(1)c. of Article V, one
21 member of the bar of Florida as set forth in s. 12(a)(1)b.,
22 one judge from the district courts of appeal and one county
23 judge as set forth in s. 12(a)(1)a. of Article V, shall expire
24 on December 31, 2002.

25 h. An appointment to fill a vacancy of the commission
26 shall be for the remainder of the term.

27 i. Selection of members by district courts of appeal
28 judges, circuit judges, and county court judges, shall be by
29 no less than a majority of the members voting at the
30 respective courts' conferences. Selection of members by the
31

1 board of governors of the bar of Florida shall be by no less
2 than a majority of the board.

3 j. The commission shall be entitled to recover the
4 costs of investigation and prosecution, in addition to any
5 penalty levied by the supreme court.

6 k. The compensation of members and referees shall be
7 the travel expenses or transportation and per diem allowance
8 as provided by general law.

9 SECTION 20. Schedule to Article V.--

10 (a) This article shall replace all of Article V of the
11 Constitution of 1885, as amended, which shall then stand
12 repealed.

13 (b) Except to the extent inconsistent with the
14 provisions of this article, all provisions of law and rules of
15 court in force on the effective date of this article shall
16 continue in effect until superseded in the manner authorized
17 by the constitution.

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

21 (1) The supreme court shall have the jurisdiction
22 immediately theretofore exercised by it, and it shall
23 determine all proceedings pending before it on the effective
24 date of this article.

25 (2) The appellate districts shall be those in
26 existence on the date of adoption of this article. There
27 shall be a district court of appeal in each district. The
28 district courts of appeal shall have the jurisdiction
29 immediately theretofore exercised by the district courts of
30 appeal and shall determine all proceedings pending before them
31 on the effective date of this article.

1 (3) Circuit courts shall have jurisdiction of appeals
2 from county courts and municipal courts, except those appeals
3 which may be taken directly to the supreme court; and they
4 shall have exclusive original jurisdiction in all actions at
5 law not cognizable by the county courts; of proceedings
6 relating to the settlement of the estate of decedents and
7 minors, the granting of letters testamentary, guardianship,
8 involuntary hospitalization, the determination of
9 incompetency, and other jurisdiction usually pertaining to
10 courts of probate; in all cases in equity including all cases
11 relating to juveniles; of all felonies and of all misdemeanors
12 arising out of the same circumstances as a felony which is
13 also charged; in all cases involving legality of any tax
14 assessment or toll; in the action of ejectment; and in all
15 actions involving the titles or boundaries or right of
16 possession of real property. The circuit court may issue
17 injunctions. There shall be judicial circuits which shall be
18 the judicial circuits in existence on the date of adoption of
19 this article. The chief judge of a circuit may authorize a
20 county court judge to order emergency hospitalizations
21 pursuant to Chapter 71-131, Laws of Florida, in the absence
22 from the county of the circuit judge, and the county court
23 judge shall have the power to issue all temporary orders and
24 temporary injunctions necessary or proper to the complete
25 exercise of such jurisdiction.

26 (4) County courts shall have original jurisdiction in
27 all criminal misdemeanor cases not cognizable by the circuit
28 courts, of all violations of municipal and county ordinances,
29 and of all actions at law in which the matter in controversy
30 does not exceed the sum of two thousand five hundred dollars
31 (\$2,500.00) exclusive of interest and costs, except those

1 within the exclusive jurisdiction of the circuit courts.
2 Judges of county courts shall be committing magistrates. The
3 county courts shall have jurisdiction now exercised by the
4 county judge's courts other than that vested in the circuit
5 court by subsection (c)(3) hereof, the jurisdiction now
6 exercised by the county courts, the claims court, the small
7 claims courts, the small claims magistrates courts,
8 magistrates courts, justice of the peace courts, municipal
9 courts, and courts of chartered counties, including but not
10 limited to the counties referred to in Article VIII, sections
11 9, 10, 11, and 24 of the Constitution of 1885.

12 (5) Each judicial nominating commission shall be
13 composed of the following:

14 a. Three members appointed by the Board of Governors
15 of The Florida Bar from among The Florida Bar members who are
16 actively engaged in the practice of law with offices within
17 the territorial jurisdiction of the affected court, district,
18 or circuit;

19 b. Three electors who reside in the territorial
20 jurisdiction of the court or circuit appointed by the
21 governor; and

22 c. Three electors who reside in the territorial
23 jurisdiction of the court or circuit and who are not members
24 of the bar of Florida, selected and appointed by a majority
25 vote of the other six members of the commission.

26 (6) No justice or judge shall be a member of a
27 judicial nominating commission. A member of a judicial
28 nominating commission may hold public office other than
29 judicial office. No member shall be eligible for appointment
30 to state judicial office so long as he is a member of a
31 judicial nominating commission and for a period of two years

1 thereafter. All acts of a judicial nominating commission
2 shall be made with a concurrence of a majority of its members.

3 (7) The members of a judicial nominating commission
4 shall serve for a term of four years except the terms of the
5 initial members of the judicial nominating commissions shall
6 expire as follows:

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

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

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

13 (8) All fines and forfeitures arising from offenses
14 tried in the county court shall be collected, and accounted
15 for by clerk of the court, and deposited in a special trust
16 account. All fines and forfeitures received from violations
17 of ordinances or misdemeanors committed within a county or
18 municipal ordinances committed within a municipality within
19 the territorial jurisdiction of the county court shall be paid
20 monthly to the county or municipality respectively. If any
21 costs are assessed and collected in connection with offenses
22 tried in county court, all court costs shall be paid into the
23 general revenue fund of the state of Florida and such other
24 funds as prescribed by general law.

25 (9) Any municipality or county may apply to the chief
26 judge of the circuit in which that municipality or county is
27 situated for the county court to sit in a location suitable to
28 the municipality or county and convenient in time and place to
29 its citizens and police officers, and upon such application
30 the said chief judge shall direct the court to sit in the
31 location unless he shall determine the request is not

1 justified. If the chief judge does not authorize the county
2 court to sit in the location requested, the county or
3 municipality may apply to the supreme court for an order
4 directing the county court to sit in the location. Any
5 municipality or county which so applies shall be required to
6 provide the appropriate physical facilities in which the
7 county court may hold court.

8 (10) All courts except the supreme court may sit in
9 divisions as may be established by local rule approved by the
10 supreme court.

11 (11) A county court judge in any county having a
12 population of 40,000 or fewer ~~less~~ according to the last
13 decennial census, shall not be required to be a member of the
14 bar of Florida.

15 (12) Municipal prosecutors may prosecute violations of
16 municipal ordinances.

17 (13) Justice shall mean a justice elected or appointed
18 to the supreme court and shall not include any judge assigned
19 from any court.

20 (d) When this article becomes effective:

21 (1) All courts not herein authorized, except as
22 provided by subsection (d)(4) of this section shall cease to
23 exist and jurisdiction to conclude all pending cases and
24 enforce all prior orders and judgments shall vest in the court
25 that would have jurisdiction of the cause if thereafter
26 instituted. All records of and property held by courts
27 abolished hereby shall be transferred to the proper office of
28 the appropriate court under this article.

29 (2) Judges of the following courts, if their terms do
30 not expire in 1973 and if they are eligible under subsection
31 (d)(8) hereof, shall become additional judges of the circuit

1 court for each of the counties of their respective circuits,
2 and shall serve as such circuit judges for the remainder of
3 the terms to which they were elected and shall be eligible for
4 election as circuit judges thereafter. These courts are: civil
5 court of record of Dade county, all criminal courts of record,
6 the felony courts of record of Alachua, Leon, and Volusia
7 Counties, the courts of record of Broward, Brevard, Escambia,
8 Hillsborough, Lee, Manatee, and Sarasota Counties, the civil
9 and criminal court of record of Pinellas County, and county
10 judge's courts and separate juvenile courts in counties having
11 a population in excess of 100,000 according to the 1970
12 federal census. On the effective date of this article, there
13 shall be an additional number of positions of circuit judges
14 equal to the number of existing circuit judges and the number
15 of judges of the above named courts whose term expires in
16 1973. Elections to such offices shall take place at the same
17 time and manner as elections to other state judicial offices
18 in 1972, and the terms of such offices shall be for a term of
19 six years. Unless changed pursuant to section 9 ~~nine~~ of this
20 article, the number of circuit judges presently existing and
21 created by this subsection shall not be changed.

22 (3) In all counties having a population of fewer ~~less~~
23 than 100,000 according to the 1970 federal census and having
24 more than one county judge on the date of the adoption of this
25 article, there shall be the same number of judges of the
26 county court as there are county judges existing on that date
27 unless changed pursuant to section 9 of this article.

28 (4) Municipal courts shall continue with their same
29 jurisdiction until amended or terminated in a manner
30 prescribed by special or general law or ordinances, or until
31 January 3, 1977, whichever occurs first. On that date all

1 municipal courts not previously abolished shall cease to
2 exist. Judges of municipal courts shall remain in office and
3 be subject to reappointment or reelection in the manner
4 prescribed by law until such ~~said~~ courts are terminated
5 pursuant to the provisions of this subsection. Upon municipal
6 courts being terminated or abolished in accordance with the
7 provisions of this subsection, the judges thereof who are not
8 members of the bar of Florida, shall be eligible to seek
9 election as judges of county courts of their respective
10 counties.

11 (5) Judges, holding elective office in all other
12 courts abolished by this article, whose terms do not expire in
13 1973 including judges established pursuant to Article VIII,
14 sections 9 and 11 of the Constitution of 1885 shall serve as
15 judges of the county court for the remainder of the term to
16 which they were elected. Unless created pursuant to section
17 9, of this Article V such judicial office shall not continue
18 to exist thereafter.

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

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

30 (8) No judge of a court abolished by this article
31 shall become or be eligible to become a judge of the circuit

1 court unless he has been a member of bar of Florida for the
2 preceding five years.

3 (9) The office of judges of all other courts abolished
4 by this article shall be abolished as of the effective date of
5 this article.

6 (10) The offices of county solicitor and prosecuting
7 attorney shall stand abolished, and all county solicitors and
8 prosecuting attorneys holding such offices upon the effective
9 date of this article shall become and serve as assistant state
10 attorneys for the circuits in which their counties are situate
11 for the remainder of their terms, with compensation not less
12 than that received immediately before the effective date of
13 this article.

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

15 (1) All justices of the supreme court, judges of the
16 district courts of appeal and circuit judges in office upon
17 the effective date of this article shall retain their offices
18 for the remainder of their respective terms. All members of
19 the judicial qualifications commission in office upon the
20 effective date of this article shall retain their offices for
21 the remainder of their respective terms. Each state attorney
22 in office on the effective date of this article shall retain
23 his office for the remainder of his term.

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

28 (f) Until otherwise provided by law, the nonjudicial
29 duties required of county judges shall be performed by the
30 judges of the county court.

31

1 (g) All provisions of Article V of the Constitution of
 2 1885, as amended, not embraced herein which are not
 3 inconsistent with this revision shall become statutes subject
 4 to modification or repeal as are other statutes.

5 (h) The requirements of section 14 relative to all
 6 county court judges or any judge of a municipal court who
 7 continues to hold office pursuant to subsection (d)(4) hereof
 8 being compensated by state salaries shall not apply prior to
 9 January 3, 1977, unless otherwise provided by general law.

10 (i) DELETION OF OBSOLETE SCHEDULE ITEMS.--The
 11 legislature shall have power, by ~~concurrent~~ resolution, to
 12 delete from this article any subsection of this section 20
 13 including this subsection, when all events to which the
 14 subsection to be deleted is or could become applicable have
 15 occurred. A legislative determination of fact made as a basis
 16 for application of this subsection shall be subject to
 17 judicial review.

18 (j) EFFECTIVE DATE.--Unless otherwise provided herein,
 19 this article shall become effective at 11:59 o'clock P.M.,
 20 Eastern Standard Time, January 1, 1973.

21 Section 6. Sections 1, 5, and 18 of Article VII of the
 22 Florida Constitution are revised by amending those sections to
 23 read:

24 ARTICLE VII

25 FINANCE AND TAXATION

26 SECTION 1. Taxation; appropriations; state expenses;
 27 state revenue limitation.--

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

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

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

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

11 (e) Except as provided herein, state revenues
12 collected for any fiscal year shall be limited to state
13 revenues allowed under this subsection for the prior fiscal
14 year plus an adjustment for growth. As used in this
15 subsection, "growth" means an amount equal to the average
16 annual rate of growth in Florida personal income over the most
17 recent twenty quarters times the state revenues allowed under
18 this subsection for the prior fiscal year. For the 1995-1996
19 fiscal year, the state revenues allowed under this subsection
20 for the prior fiscal year shall equal the state revenues
21 collected for the 1994-1995 fiscal year. Florida personal
22 income shall be determined by the legislature, from
23 information available from the United States Department of
24 Commerce or its successor on the first day of February prior
25 to the beginning of the fiscal year. State revenues collected
26 for any fiscal year in excess of this limitation shall be
27 transferred to the budget stabilization fund until the fund
28 reaches the maximum balance specified in Section 19(g) of
29 Article III, ~~and~~ thereafter shall be refunded to taxpayers as
30 provided by general law. State revenues allowed under this
31 subsection for any fiscal year may be increased by a

1 two-thirds vote of the membership of ~~each house~~ of the
2 legislature in a separate bill that contains no other subject
3 and that sets forth the dollar amount by which the state
4 revenues allowed will be increased. The vote may not be taken
5 less than seventy-two hours after the third reading of the
6 bill. For purposes of this subsection, "state revenues" means
7 taxes, fees, licenses, and charges for services imposed by the
8 legislature on individuals, businesses, or agencies outside
9 state government. However, "state revenues" does not include:
10 revenues that are necessary to meet the requirements set forth
11 in documents authorizing the issuance of bonds by the state;
12 revenues that are used to provide matching funds for the
13 federal Medicaid program with the exception of the revenues
14 used to support the Public Medical Assistance Trust Fund or
15 its successor program and with the exception of state matching
16 funds used to fund elective expansions made after July 1,
17 1994; proceeds from the state lottery returned as prizes;
18 receipts of the Florida Hurricane Catastrophe Fund; balances
19 carried forward from prior fiscal years; taxes, licenses,
20 fees, and charges for services imposed by local, regional, or
21 school district governing bodies; or revenue from taxes,
22 licenses, fees, and charges for services required to be
23 imposed by any amendment or revision to this constitution
24 after July 1, 1994. An adjustment to the revenue limitation
25 shall be made by general law to reflect the fiscal impact of
26 transfers of responsibility for the funding of governmental
27 functions between the state and other levels of government.
28 The legislature shall, by general law, prescribe procedures
29 necessary to administer this subsection.

30 SECTION 5. Estate, inheritance, and income taxes.--
31

1 (a) NATURAL PERSONS. No tax upon estates or
2 inheritances or upon the income of natural persons who are
3 residents or citizens of the state shall be levied by the
4 state, or under its authority, in excess of the aggregate of
5 amounts which may be allowed to be credited upon or deducted
6 from any similar tax levied by the United States or any state.

7 (b) OTHERS. No tax upon the income of residents and
8 citizens other than natural persons shall be levied by the
9 state, or under its authority, in excess of 5% of net income,
10 as defined by law, or at such greater rate as is authorized by
11 a three-fifths (3/5) vote of the membership of ~~each house of~~
12 the legislature or as will provide for the state the maximum
13 amount which may be allowed to be credited against income
14 taxes levied by the United States and other states. There
15 shall be exempt from taxation not less than five thousand
16 dollars (\$5,000) of the excess of net income subject to tax
17 over the maximum amount allowed to be credited against income
18 taxes levied by the United States and other states.

19 (c) EFFECTIVE DATE. This section shall become
20 effective immediately upon approval by the electors of
21 Florida.

22 SECTION 18. Laws requiring counties or municipalities
23 to spend funds or limiting their ability to raise revenue or
24 receive state tax revenue.--

25 (a) No county or municipality shall be bound by any
26 general law requiring such county or municipality to spend
27 funds or to take an action requiring the expenditure of funds
28 unless the legislature has determined that such law fulfills
29 an important state interest and unless: funds have been
30 appropriated that have been estimated at the time of enactment
31 to be sufficient to fund such expenditure; the legislature

1 authorizes or has authorized a county or municipality to enact
2 a funding source not available for such county or municipality
3 on February 1, 1989, that can be used to generate the amount
4 of funds estimated to be sufficient to fund such expenditure
5 by a simple majority vote of the governing body of such county
6 or municipality; the law requiring such expenditure is
7 approved by two-thirds of the membership ~~in each house~~ of the
8 legislature; the expenditure is required to comply with a law
9 that applies to all persons similarly situated, including the
10 state and local governments; or the law is either required to
11 comply with a federal requirement or required for eligibility
12 for a federal entitlement, which federal requirement
13 specifically contemplates actions by counties or
14 municipalities for compliance.

15 (b) Except upon approval of ~~each house~~ of the
16 legislature by two-thirds of the membership, the legislature
17 may not enact, amend, or repeal any general law if the
18 anticipated effect of doing so would be to reduce the
19 authority that municipalities or counties have to raise
20 revenues in the aggregate, as such authority exists on
21 February 1, 1989.

22 (c) Except upon approval of ~~each house~~ of the
23 legislature by two-thirds of the membership, the legislature
24 may not enact, amend, or repeal any general law if the
25 anticipated effect of doing so would be to reduce the
26 percentage of a state tax shared with counties and
27 municipalities as an aggregate on February 1, 1989. The
28 provisions of this subsection shall not apply to enhancements
29 enacted after February 1, 1989, to state tax sources, or
30 during a fiscal emergency declared in a written ~~joint~~
31 proclamation issued by the presiding officer of the

1 legislature ~~president of the senate and the speaker of the~~
 2 ~~house of representatives~~, or where the legislature provides
 3 additional state-shared revenues which are anticipated to be
 4 sufficient to replace the anticipated aggregate loss of
 5 state-shared revenues resulting from the reduction of the
 6 percentage of the state tax shared with counties and
 7 municipalities, which source of replacement revenues shall be
 8 subject to the same requirements for repeal or modification as
 9 provided herein for a state-shared tax source existing on
 10 February 1, 1989.

11 (d) Laws adopted to require funding of pension
 12 benefits existing on the effective date of this section,
 13 criminal laws, election laws, the general appropriations act,
 14 special appropriations acts, laws reauthorizing but not
 15 expanding then-existing statutory authority, laws having
 16 insignificant fiscal impact, and laws creating, modifying, or
 17 repealing noncriminal infractions, are exempt from the
 18 requirements of this section.

19 (e) The legislature may enact laws to assist in the
 20 implementation and enforcement of this section.

21 Section 7. Section 6 of Article VIII of the Florida
 22 Constitution is revised by amending that section to read:

23 ARTICLE VIII

24 LOCAL GOVERNMENT

25 SECTION 6. Schedule to Article VIII.--

26 (a) This article shall replace all of Article VIII of
 27 the Constitution of 1885, as amended, except those sections
 28 expressly retained and made a part of this article by
 29 reference.

30 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES;
 31 DISTRICTS. The status of the following items as they exist on

1 the date this article becomes effective is recognized and
2 shall be continued until changed in accordance with law: the
3 counties of the state; their status with respect to the
4 legality of the sale of intoxicating liquors, wines and beers;
5 the method of selection of county officers; the performance of
6 municipal functions by county officers; the county seats; and
7 the municipalities and special districts of the state, their
8 powers, jurisdiction and government.

9 (c) OFFICERS TO CONTINUE IN OFFICE. Every person
10 holding office when this article becomes effective shall
11 continue in office for the remainder of the term if that
12 office is not abolished. If the office is abolished the
13 incumbent shall be paid adequate compensation, to be fixed by
14 law, for the loss of emoluments for the remainder of the term.

15 (d) ORDINANCES. Local laws relating only to
16 unincorporated areas of a county on the effective date of this
17 article may be amended or repealed by county ordinance.

18 (e) CONSOLIDATION AND HOME RULE. Article VIII,
19 Sections 9, 10, 11 and 24, of the Constitution of 1885, as
20 amended, shall remain in full force and effect as to each
21 county affected, as if this article had not been adopted,
22 until that county shall expressly adopt a charter or home rule
23 plan pursuant to this article. All provisions of the
24 Metropolitan Dade County Home Rule Charter, heretofore or
25 hereafter adopted by the electors of Dade County pursuant to
26 Article VIII, Section 11, of the Constitution of 1885, as
27 amended, shall be valid, and any amendments to such charter
28 shall be valid; provided that such ~~the said~~ provisions of such
29 charter and the ~~said~~ amendments thereto are authorized under
30 such ~~said~~ Article VIII, Section 11, of the Constitution of
31 1885, as amended.

1 (f) DADE COUNTY; POWERS CONFERRED UPON
 2 MUNICIPALITIES. To the extent not inconsistent with the
 3 powers of existing municipalities or general law, the
 4 Metropolitan Government of Dade County may exercise all the
 5 powers conferred now or hereafter by general law upon
 6 municipalities.

7 (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The
 8 legislature shall have power, by ~~joint~~ resolution, to delete
 9 from this article any subsection of this Section 6, including
 10 this subsection, when all events to which the subsection to be
 11 deleted is or could become applicable have occurred. A
 12 legislative determination of fact made as a basis for
 13 application of this subsection shall be subject to judicial
 14 review.

15 Section 8. Sections 2 and 12 of Article X of the
 16 Florida Constitution are revised by amending those sections to
 17 read:

18 ARTICLE X

19 MISCELLANEOUS

20 SECTION 2. Militia.--

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

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

29 (c) The governor shall appoint all commissioned
 30 officers of the militia, including an adjutant general who
 31 shall be chief of staff. The appointment of all general

1 officers shall be subject to confirmation by the legislature
 2 ~~senate~~.

3 (d) The qualifications of personnel and officers of
 4 the federally recognized national guard, including the
 5 adjutant general, and the grounds and proceedings for their
 6 discipline and removal shall conform to the appropriate United
 7 States army or air force regulations and usages.

8 SECTION 12. Rules of construction.--Unless qualified
 9 in the text the following rules of construction shall apply to
 10 this constitution.

11 (a) "Herein" refers to the entire constitution.

12 (b) The singular includes the plural.

13 (c) The masculine includes the feminine.

14 (d) "Vote of the electors" means the vote of the
 15 majority of those voting on the matter in an election, general
 16 or special, in which those participating are limited to the
 17 electors of the governmental unit referred to in the text.

18 (e) Vote or other action of the legislature ~~a~~
 19 ~~legislative house~~ or other governmental body means the vote or
 20 action of a majority or other specified percentage of those
 21 members voting on the matter. "Of the membership" means "of
 22 all members thereof."

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

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

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

29 Section 9. Sections 1, 2, 5, and 6 of Article XI of
 30 the Florida Constitution are revised by amending those
 31 sections to read:

1 ARTICLE XI

2 AMENDMENTS

3 SECTION 1. Proposal by legislature.--Amendment of a
 4 section or revision of one or more articles, or the whole, of
 5 this constitution may be proposed by ~~joint~~ resolution agreed
 6 to by three-fifths of the membership of ~~each house~~ of the
 7 legislature. The full text of the ~~joint~~ resolution and the
 8 vote of each member voting shall be entered on the journal of
 9 ~~each house.~~

10 SECTION 2. Revision commission.--

11 (a) Within thirty days after the adjournment of the
 12 1997 regular session of the legislature, and each twentieth
 13 year thereafter, there shall be established a constitution
 14 revision commission composed of the following thirty-seven
 15 members:

16 (1) The attorney general of the state;

17 (2) Fifteen members selected by the governor;

18 (3) Eighteen ~~Nine~~ members selected by the speaker of
 19 ~~the house of representatives and nine~~ members selected by the
 20 presiding officer ~~president~~ of the legislature ~~senate~~; and

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

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

27 (c) Each constitution revision commission shall
 28 convene at the call of its chairman, adopt its rules of
 29 procedure, examine the constitution of the state, hold public
 30 hearings, and, not later than one hundred eighty days prior to
 31 the next general election, file with the secretary of state

1 its proposal, if any, of a revision of this constitution or
2 any part of it.

3 SECTION 5. Amendment or revision election.--

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

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

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

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

28 (a) Beginning in 1990 and each tenth year thereafter,
29 there shall be established a taxation and budget reform
30 commission composed of the following members:
31

1 (1) Eleven members selected by the governor, none of
2 whom shall be a member of the legislature at the time of
3 appointment.

4 (2) Fourteen ~~seven~~ members selected by the speaker of
5 ~~the house of representatives and seven~~ members selected by the
6 presiding officer ~~president~~ of the legislature ~~senate~~, none of
7 whom shall be a member of the legislature at the time of
8 appointment.

9 (3) Four non-voting ex officio members, all of whom
10 shall be members of the legislature at the time of
11 appointment. Two of these members, ~~one of whom~~ shall be
12 members ~~a member~~ of the minority party in the legislature
13 ~~house of representatives, shall be selected by the speaker of~~
14 ~~the house of representatives, and two of these members, one of~~
15 ~~whom shall be a member of the minority party in the senate,~~
16 ~~shall be~~ selected by the presiding officer ~~president~~ of the
17 legislature ~~senate~~.

18 (b) Vacancies in the membership of the commission
19 shall be filled in the same manner as the original
20 appointments.

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

1 ~~appointed by the president of the senate pursuant to paragraph~~
2 ~~(a)(2)~~ shall be necessary for any revision of this
3 constitution or any part of it to be proposed by the
4 commission.

5 (d) The commission shall examine the state budgetary
6 process, the revenue needs and expenditure processes of the
7 state, the appropriateness of the tax structure of the state,
8 and governmental productivity and efficiency; review policy as
9 it relates to the ability of state and local government to tax
10 and adequately fund governmental operations and capital
11 facilities required to meet the state's needs during the next
12 ten year period; determine methods favored by the citizens of
13 the state to fund the needs of the state, including
14 alternative methods for raising sufficient revenues for the
15 needs of the state; determine measures that could be
16 instituted to effectively gather funds from existing tax
17 sources; examine constitutional limitations on taxation and
18 expenditures at the state and local level; and review the
19 state's comprehensive planning, budgeting and needs assessment
20 processes to determine whether the resulting information
21 adequately supports a strategic decisionmaking process.

22 (e) The commission shall hold public hearings as it
23 deems necessary to carry out its responsibilities under this
24 section. The commission shall issue a report of the results
25 of the review carried out, and propose to the legislature any
26 recommended statutory changes related to the taxation or
27 budgetary laws of the state. Not later than one hundred
28 eighty days prior to the general election in the second year
29 following the year in which the commission is established, the
30 commission shall file with the secretary of state its
31 proposal, if any, of a revision of this constitution or any

1 part of it dealing with taxation or the state budgetary
2 process.

3 Section 10. Sections 11, 12, and 14 of Article XII of
4 the Florida Constitution are revised by amending those
5 sections to read:

6 ARTICLE XII

7 SCHEDULE

8 SECTION 11. Deletion of obsolete schedule items.--The
9 legislature shall have power, by ~~joint~~ resolution, to delete
10 from this revision any section of this Article XII, including
11 this section, when all events to which the section to be
12 deleted is or could become applicable have occurred. A
13 legislative determination of fact made as a basis for
14 application of this section shall be subject to judicial
15 review.

16 SECTION 12. Legislators ~~Senators~~.--The requirements of
17 staggered terms of legislators ~~senators~~ in Section 15(a), of
18 Article III of this revision shall apply only to legislators
19 ~~senators~~ elected in November, 2002 ~~1972~~, and thereafter.

20 ~~SECTION 14. Representatives; terms.--The legislature~~
21 ~~at its first regular session following the ratification of~~
22 ~~this revision, by joint resolution, shall propose to the~~
23 ~~electors of the state for ratification or rejection in the~~
24 ~~general election of 1970 an amendment to Article III, Section~~
25 ~~15(b), of the constitution providing staggered terms of four~~
26 ~~years for members of the house of representatives.~~

27 Section 11. Section 22 of Article XII of the Florida
28 Constitution is created to read:

29 ARTICLE XII

30 SCHEDULE

31

1 SECTION 22. Effective date of specified
2 amendments.--The amendments to Section 16 of Article III,
3 approved by the electors at the general election held in
4 November 1998, shall take effect on January 1, 2001, and the
5 amendments to Sections 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, and 17
6 of Article III, Sections 6, 7, and 9 of Article IV, Sections
7 2, 9, 12, and 20 of Article V, Section 5 of Article VII,
8 Section 6 of Article VIII, Sections 2 and 12 of Article X,
9 Sections 1, 2, and 5 of Article XI, and Sections 9, 11, 12,
10 and 14 of Article XII, and the creation of Sections 20 and 21
11 of Article III, approved by the electors at the general
12 election held in November 1998, shall take effect on November
13 1, 2002, provided that said amendments shall govern with
14 respect to the qualifying for, and the holding of, the primary
15 elections of 2002.
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