

By Commissioner Mathis

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

9 Section 1. Section 3 of Article IV of the Florida
10 Constitution is revised by amending that section to read:

11 | ARTICLE IV
12 | EXECUTIVE

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

1 governor, and in such case restoration of capacity shall be
2 similarly established.

3 Section 2. Section 4 of Article IV of the Florida
4 Constitution is revised by amending that section to read:

5 ARTICLE IV

6 EXECUTIVE

7 SECTION 4. Cabinet.--

8 (a) There shall be a cabinet composed of ~~a secretary~~
9 ~~of state~~, ~~an attorney general~~, ~~a comptroller~~, ~~a treasurer~~, ~~a~~
10 ~~commissioner of agriculture~~ and a chief fiscal officer
11 ~~commissioner of education~~. In addition to the powers and
12 duties specified herein, they shall exercise such powers and
13 perform such duties as may be prescribed by law.

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

17 (b)(c) The attorney general shall be the chief state
18 legal officer. There is created in the office of the attorney
19 general the position of statewide prosecutor. The statewide
20 prosecutor shall have concurrent jurisdiction with the state
21 attorneys to prosecute violations of criminal laws occurring
22 or having occurred, in two or more judicial circuits as part
23 of a related transaction, or when any such offense is
24 affecting or has affected two or more judicial circuits as
25 provided by general law. The statewide prosecutor shall be
26 appointed by the attorney general from not less than three
27 persons nominated by the judicial nominating commission for
28 the supreme court, or as otherwise provided by general law.

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

1 (e) The treasurer shall keep all state funds and
2 securities. He shall disburse state funds only upon the order
3 of the comptroller. Such order may be in any form and may
4 require the disbursement of state funds by electronic means or
5 by means of a magnetic tape or any other transfer medium.

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

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

11 Section 3. Section 8 of Article IV of the Florida
12 Constitution is revised by amending that section to read:

ARTICLE IV

EXECUTIVE

SECTION 8. Clemency.--

29 (c) There may be created by law a parole and probation
30 commission with power to supervise persons on probation and to
31 grant paroles or conditional releases to persons under

1 sentences for crime. The qualifications, method of selection
2 and terms, not to exceed six years, of members of the
3 commission shall be prescribed by law.

4 Section 4. Section 9 of Article XII of the Florida
5 Constitution is revised by amending that section to read:

ARTICLE XII

SCHEDULE

SECTION 9. Bonds. --

(a) ADDITIONAL SECURITIES.

1 taxes. No bonds or other obligations may be issued pursuant
2 to the provisions of Article XII, Section 19, of the
3 Constitution of 1885, as amended, but this provision shall not
4 be construed to prevent the refunding of any such outstanding
5 bonds or obligations pursuant to the provisions of this
6 subsection (a)(2).

7 Subject to the requirements of the first paragraph of
8 this subsection (a)(2), beginning July 1, 1975, all of the
9 proceeds of the revenues derived from the gross receipts taxes
10 collected from every person, including municipalities, as
11 provided and levied pursuant to the provisions of chapter 203,
12 Florida Statutes, as such chapter is amended from time to
13 time, shall, as collected, be placed in a trust fund to be
14 known as the "public education capital outlay and debt service
15 trust fund" in the state treasury (hereinafter referred to as
16 "capital outlay fund"), and used only as provided herein.

17 The capital outlay fund shall be administered by the
18 state board of education as created and constituted by Section
19 2 of Article IX of the Constitution of Florida as revised in
20 1968 (hereinafter referred to as "state board"), or by such
21 other instrumentality of the state which shall hereafter
22 succeed by law to the powers, duties and functions of the
23 state board, including the powers, duties and functions of the
24 state board provided in this subsection (a)(2). The state
25 board shall be a body corporate and shall have all the powers
26 provided herein in addition to all other constitutional and
27 statutory powers related to the purposes of this subsection
28 (a)(2) heretofore or hereafter conferred by law upon the state
29 board, or its predecessor created by the Constitution of 1885,
30 as amended.

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1 State bonds pledging the full faith and credit of the
2 state may be issued, without a vote of the electors, by the
3 state board pursuant to law to finance or refinance capital
4 projects theretofore authorized by the legislature, and any
5 purposes appurtenant or incidental thereto, for the state
6 system of public education provided for in Section 1 of
7 Article IX of this Constitution (hereinafter referred to as
8 "state system"), including but not limited to institutions of
9 higher learning, community colleges, vocational technical
10 schools, or public schools, as now defined or as may hereafter
11 be defined by law. All such bonds shall mature not later than
12 thirty years after the date of issuance thereof. All other
13 details of such bonds shall be as provided by law or by the
14 proceedings authorizing such bonds; provided, however, that no
15 bonds, except refunding bonds, shall be issued, and no
16 proceeds shall be expended for the cost of any capital
17 project, unless such project has been authorized by the
18 legislature.

19 Bonds issued pursuant to this subsection (a)(2) shall
20 be primarily payable from such revenues derived from gross
21 receipts taxes, and shall be additionally secured by the full
22 faith and credit of the state. No such bonds shall ever be
23 issued in an amount exceeding ninety percent of the amount
24 which the state board determines can be serviced by the
25 revenues derived from the gross receipts taxes accruing
26 thereafter under the provisions of this subsection (a)(2), and
27 such determination shall be conclusive.

28 The moneys in the capital outlay fund in each fiscal
29 year shall be used only for the following purposes and in the
30 following order of priority:

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1 a. For the payment of the principal of and interest on
2 any bonds due in such fiscal year;

3 b. For the deposit into any reserve funds provided for
4 in the proceedings authorizing the issuance of bonds of any
5 amounts required to be deposited in such reserve funds in such
6 fiscal year;

7 c. For direct payment of the cost or any part of the
8 cost of any capital project for the state system theretofore
9 authorized by the legislature, or for the purchase or
10 redemption of outstanding bonds in accordance with the
11 provisions of the proceedings which authorized the issuance of
12 such bonds, or for the purpose of maintaining, restoring, or
13 repairing existing public educational facilities.

14 (b) REFUNDING BONDS. Revenue bonds to finance the
15 cost of state capital projects issued prior to the date this
16 revision becomes effective, including projects of the Florida
17 state turnpike authority or its successor but excluding all
18 portions of the state highway system, may be refunded as
19 provided by law without vote of the electors at a lower net
20 average interest cost rate by the issuance of bonds maturing
21 not later than the obligations refunded, secured by the same
22 revenues only.

23 (c) MOTOR VEHICLE FUEL TAXES.

24 (1) A state tax, designated "second gas tax," of two
25 cents per gallon upon gasoline and other like products of
26 petroleum and an equivalent tax upon other sources of energy
27 used to propel motor vehicles as levied by Article IX, Section
28 16, of the Constitution of 1885, as amended, is hereby
29 continued. The proceeds of said tax shall be placed monthly in
30 the state roads distribution fund in the state treasury.

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1 total collected in all counties of the state during the
2 previous fiscal year. If the annual debt service requirements
3 of any obligations issued for any county, including any
4 deficiencies for prior years, secured under paragraph (2) of
5 this subsection, exceeds the amount which would be allocated
6 to that county under the formula set out in this paragraph,
7 the amounts allocated to other counties shall be reduced
8 proportionately.

9 (5) Funds allocated under paragraphs (2) and (4) of
10 this subsection shall be administered by the state board of
11 administration created under said Article IX, Section 16, of
12 the Constitution of 1885, as amended, and which is continued
13 as a body corporate for the life of this subsection 9(c);
14 however, the members of the state board of administration
15 shall be the governor, the attorney general, and the chief
16 fiscal officer. The board shall remit the proceeds of the
17 "second gas tax" in each county account for use in said county
18 as follows: eighty per cent to the state agency supervising
19 the state road system and twenty per cent to the governing
20 body of the county. The percentage allocated to the county
21 may be increased by general law. The proceeds of the "second
22 gas tax" subject to allocation to the several counties under
23 this paragraph (5) shall be used first, for the payment of
24 obligations pledging revenues allocated pursuant to Article
25 IX, Section 16, of the Constitution of 1885, as amended, and
26 any refundings thereof; second, for the payment of debt
27 service on bonds issued as provided by this paragraph (5) to
28 finance the acquisition and construction of roads as defined
29 by law; and third, for the acquisition and construction of
30 roads and for road maintenance as authorized by law. When
31 authorized by law, state bonds pledging the full faith and

1 credit of the state may be issued without any election: (i) to
2 refund obligations secured by any portion of the "second gas
3 tax" allocated to a county under Article IX, Section 16, of
4 the Constitution of 1885, as amended; (ii) to finance the
5 acquisition and construction of roads in a county when
6 approved by the governing body of the county and the state
7 agency supervising the state road system; and (iii) to refund
8 obligations secured by any portion of the "second gas tax"
9 allocated under paragraph 9(c)(4). No such bonds shall be
10 issued unless a state fiscal agency created by law has made a
11 determination that in no state fiscal year will the debt
12 service requirements of the bonds and all other bonds secured
13 by the pledged portion of the "second gas tax" allocated to
14 the county exceed seventy-five per cent of the pledged portion
15 of the "second gas tax" allocated to that county for the
16 preceding state fiscal year, of the pledged net tolls from
17 existing facilities collected in the preceding state fiscal
18 year, and of the annual average net tolls anticipated during
19 the first five state fiscal years of operation of new projects
20 to be financed, and of any other legally available pledged
21 revenues collected in the preceding state fiscal year. Bonds
22 issued pursuant to this subsection shall be payable primarily
23 from the pledged tolls, the pledged portions of the "second
24 gas tax" allocated to that county, and any other pledged
25 revenue, and shall mature not later than forty years from the
26 date of issuance.

27 (d) SCHOOL BONDS.

28 (1) Article XIII, Section 9, Subsection (d) of this
29 constitution, as amended, (which, by reference, adopted
30 Article XII, Section 18, of the Constitution of 1885, as
31 amended) as the same existed immediately before the effective

1 date of this amendment is adopted by this reference as part of
2 this amendment as completely as though incorporated herein
3 verbatim, for the purpose of providing that after the
4 effective date of this amendment the first proceeds of the
5 revenues derived from the licensing of motor vehicles as
6 referred to therein shall be distributed annually among the
7 several counties in the ratio of the number of instruction
8 units in each county, the same being coterminus with the
9 school district of each county as provided in Article IX,
10 Section 4, Subsection (a) of this constitution, in each year
11 computed as provided therein to the extent necessary to comply
12 with all obligations to or for the benefit of holders of bonds
13 or motor vehicle tax anticipation certificates issued before
14 the effective date of this amendment or any refundings thereof
15 which are secured by any portion of such revenues derived from
16 the licensing of motor vehicles.

17 (2) No funds anticipated to be distributed annually
18 among the several counties under the formula stated in Article
19 XII, Section 9, Subsection (d) of this constitution, as
20 amended, as the same existed immediately before the effective
21 date of this amendment shall be pledged as security for any
22 obligations hereafter issued or entered into, except that any
23 outstanding obligations previously issued pledging such funds
24 may be refunded by the issuance of refunding bonds.

25 (3) Subject to the requirements of paragraph (1) of
26 this subsection (d) beginning July 1, 1973, the first proceeds
27 of the revenues derived from the licensing of motor vehicles
28 (hereinafter called "motor vehicle license revenues") to the
29 extent necessary to comply with the provisions of this
30 amendment, shall, as collected, be placed monthly in the
31 school district and community college district capital outlay

1 and debt service fund in the state treasury and used only as
2 provided in this amendment. Such revenue shall be distributed
3 annually among the several school districts and community
4 college districts in the ratio of the number of instruction
5 units in each school district or community college district in
6 each year computed as provided herein. The amount of the
7 first motor vehicle license revenues to be so set aside in
8 each year and distributed as provided herein shall be an
9 amount equal in the aggregate to the product of six hundred
10 dollars (\$600) multiplied by the total number of instruction
11 units in all the school districts of Florida for the school
12 fiscal year 1967-68, plus an amount equal in the aggregate to
13 the product of eight hundred dollars (\$800) multiplied by the
14 total number of instruction units in all the school districts
15 of Florida for the school fiscal year 1972-73 and for each
16 school fiscal year thereafter which is in excess of the total
17 number of such instruction units in all the school districts
18 of Florida for the school fiscal year 1967-68, such excess
19 units being designated "growth units." The amount of the
20 first motor vehicle license revenues to be so set aside in
21 each year and distributed as provided herein shall
22 additionally be an amount equal in the aggregate to the
23 product of four hundred dollars (\$400) multiplied by the total
24 number of instruction units in all community college districts
25 of Florida. The number of instruction units in each school
26 district or community college district in each year for the
27 purposes of this amendment shall be the greater of (1) the
28 number of instruction units in each school district for the
29 school fiscal year 1967-68 or community college district for
30 the school fiscal year 1968-69 computed in the manner
31 heretofore provided by general law, or (2) the number of

1 instruction units in such school district, including growth
2 units, or community college district for the school fiscal
3 year computed in the manner heretofore or hereafter provided
4 by general law and approved by the state board of education
5 (hereinafter called the state board), or (3) the number of
6 instruction units in each school district, including growth
7 units, or community college district on behalf of which the
8 state board has issued bonds or motor vehicle license revenue
9 anticipation certificates under this amendment which will
10 produce sufficient revenues under this amendment to equal one
11 and twelve-hundredths (1.12) times the aggregate amount of
12 principal of and interest on all bonds or motor vehicle
13 license revenue anticipation certificates issued under this
14 amendment which will mature and become due in such year,
15 computed in the manner heretofore or hereafter provided by
16 general law and approved by the state board.

17 (4) Such funds so distributed shall be administered by
18 the state board as now created and constituted by Section 2 of
19 Article IX of the State Constitution as revised in 1968, or by
20 such other instrumentality of the state which shall hereafter
21 succeed by law to the powers, duties and functions of the
22 state board, including the powers, duties and functions of the
23 state board provided in this amendment. For the purposes of
24 this amendment, said state board shall be a body corporate and
25 shall have all the powers provided in this amendment in
addition to all other constitutional and statutory powers
related to the purposes of this amendment heretofore or
hereafter conferred upon said state board.

29 (5) The state board shall, in addition to its other
30 constitutional and statutory powers, have the management,
31 control and supervision of the proceeds of the first motor

1 vehicle license revenues provided for in this subsection (d).
2 The state board shall also have power, for the purpose of
3 obtaining funds for the use of any school board of any school
4 district or board of trustees of any community college
5 district in acquiring, building, constructing, altering,
6 remodeling, improving, enlarging, furnishing, equipping,
7 maintaining, renovating, or repairing of capital outlay
8 projects for school purposes to issue bonds or motor vehicle
9 license revenue anticipation certificates, and also to issue
10 such bonds or motor vehicle license revenue anticipation
11 certificates to pay, fund or refund any bonds or motor vehicle
12 license revenue anticipation certificates theretofore issued
13 by said state board. All such bonds or motor vehicle license
14 revenue anticipation certificates shall bear interest at not
15 exceeding the rate provided by general law and shall mature
16 not later than thirty years after the date of issuance
17 thereof. The state board shall have power to determine all
18 other details of the bonds or motor vehicle license revenue
19 anticipation certificates and to sell in the manner provided
20 by general law, or exchange the bonds or motor vehicle license
21 revenue anticipation certificates, upon such terms and
22 conditions as the state board shall provide.

23 (6) The state board shall also have power to pledge
24 for the payment of the principal of and interest on such bonds
25 or motor vehicle license revenue anticipation certificates,
26 including refunding bonds or refunding motor vehicle license
27 revenue anticipation certificates, all or any part from the
28 motor vehicle license revenues provided for in this amendment
29 and to enter into any covenants and other agreements with the
30 holders of such bonds or motor vehicle license revenue
31 anticipation certificates at the time of the issuance thereof

1 concerning the security thereof and the rights of the holders
2 thereof, all of which covenants and agreements shall
3 constitute legally binding and irrevocable contracts with such
4 holders and shall be fully enforceable by such holders in any
5 court of competent jurisdiction.

6 (7) No such bonds or motor vehicle license revenue
7 anticipation certificates shall ever be issued by the state
8 board, except to refund outstanding bonds or motor vehicle
9 license revenue anticipation certificates, until after the
10 adoption of a resolution requesting the issuance thereof by
11 the school board of the school district or board of trustees
12 of the community college district on behalf of which the
13 obligations are to be issued. The state board of education
14 shall limit the amount of such bonds or motor vehicle license
15 revenue anticipation certificates which can be issued on
16 behalf of any school district or community college district to
17 ninety percent (90%) of the amount which it determines can be
18 serviced by the revenue accruing to the school district or
19 community college district under the provisions of this
20 amendment, and shall determine the reasonable allocation of
21 the interest savings from the issuance of refunding bonds or
22 motor vehicle license revenue anticipation certificates, and
23 such determinations shall be conclusive. All such bonds or
24 motor vehicle license revenue anticipation certificates shall
25 be issued in the name of the state board of education but
26 shall be issued for and on behalf of the school board of the
27 school district or board of trustees of the community college
28 district requesting the issuance thereof, and no election or
29 approval of qualified electors shall be required for the
30 issuance thereof.

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5 a. To comply with the requirements of paragraph (1) of
6 this subsection (d).

7 b. To pay all amounts of principal and interest due in
8 such year on any bonds or motor vehicle license revenue
9 anticipation certificates issued under the authority hereof,
10 including refunding bonds or motor vehicle license revenue
11 anticipation certificates, issued on behalf of the school
12 board of such school district or board of trustees of such
13 community college district; subject, however, to any covenants
14 or agreements made by the state board concerning the rights
15 between holders of different issues of such bonds or motor
16 vehicle license revenue anticipation certificates, as herein
17 authorized.

18 c. To establish and maintain a sinking fund or funds
19 to meet future requirements for debt service or reserves
20 therefor, on bonds or motor vehicle license revenue
21 anticipation certificates issued on behalf of the school board
22 of such school district or board of trustees of such community
23 college district under the authority hereof, whenever the
24 state board shall deem it necessary or advisable, and in such
25 amounts and under such terms and conditions as the state board
26 shall in its discretion determine.

27 d. To distribute annually to the several school boards
28 of the school districts or the boards of trustees of the
29 community college districts for use in payment of debt service
30 on bonds heretofore or hereafter issued by any such school
31 boards of the school districts or boards of trustees of the

1 community college districts where the proceeds of the bonds
2 were used, or are to be used, in the acquiring, building,
3 constructing, altering, remodeling, improving, enlarging,
4 furnishing, equipping, maintaining, renovating, or repairing
5 of capital outlay projects in such school districts or
6 community college districts and which capital outlay projects
7 have been approved by the school board of the school district
8 or board of trustees of the community college district,
9 pursuant to the most recent survey or surveys conducted under
10 regulations prescribed by the state board to determine the
11 capital outlay needs of the school district or community
12 college district. The state board shall have power at the
13 time of issuance of any bonds by any school board of any
14 school district or board of trustees of any community college
15 district to covenant and agree with such school board or board
16 of trustees as to the rank and priority of payments to be made
17 for different issues of bonds under this subparagraph d., and
18 may further agree that any amounts to be distributed under
19 this subparagraph d. may be pledged for the debt service on
20 bonds issued by any school board of any school district or
21 board of trustees of any community college district and for
22 the rank and priority of such pledge. Any such covenants or
23 agreements of the state board may be enforced by any holders
24 of such bonds in any court of competent jurisdiction.

25 e. To pay the expenses of the state board in
26 administering this subsection (d), which shall be prorated
27 among the various school districts and community college
28 districts and paid out of the proceeds of the bonds or motor
29 vehicle license revenue anticipation certificates or from the
30 funds distributable to each school district and community
31 college district on the same basis as such motor vehicle

1 license revenues are distributable to the various school
2 districts and community college districts.

3 f. To distribute annually to the several school boards
4 of the school districts or boards of trustees of the community
5 college districts for the payment of the cost of acquiring,
6 building, constructing, altering, remodeling, improving,
7 enlarging, furnishing, equipping, maintaining, renovating, or
8 repairing of capital outlay projects for school purposes in
9 such school district or community college district as shall be
10 requested by resolution of the school board of the school
11 district or board of trustees of the community college
12 district.

13 g. When all major capital outlay needs of a school
14 district or community college district have been met as
15 determined by the state board, on the basis of a survey made
16 pursuant to regulations of the state board and approved by the
17 state board, all such funds remaining shall be distributed
18 annually and used for such school purposes in such school
19 district or community college district as the school board of
20 the school district or board of trustees of the community
21 college district shall determine, or as may be provided by
22 general law.

23 (9) Capital outlay projects of a school district or
24 community college district shall be eligible to participate in
25 the funds accruing under this amendment and derived from the
26 proceeds of bonds and motor vehicle license revenue
27 anticipation certificates and from the motor vehicle license
28 revenues, only in the order of priority of needs, as shown by
29 a survey or surveys conducted in the school district or
30 community college district under regulations prescribed by the
31 state board, to determine the capital outlay needs of the

1 school district or community college district and approved by
2 the state board; provided that the priority of such projects
3 may be changed from time to time upon the request of the
4 school board of the school district or board of trustees of
5 the community college district and with the approval of the
6 state board; and provided, further, that this paragraph (9)
7 shall not in any manner affect any covenant, agreement or
8 pledge made by the state board in the issuance by said state
9 board of any bonds or motor vehicle license revenue
10 anticipation certificates, or in connection with the issuance
11 of any bonds of any school board of any school district or
12 board of trustees of any community college district.

13 (10) The state board shall have power to make and
14 enforce all rules and regulations necessary to the full
15 exercise of the powers herein granted and no legislation shall
16 be required to render this amendment of full force and
17 operating effect. The legislature shall not reduce the levies
18 of said motor vehicle license revenues during the life of this
19 amendment to any degree which will fail to provide the full
20 amount necessary to comply with the provisions of this
21 amendment and pay the necessary expenses of administering the
22 laws relating to the licensing of motor vehicles, and shall
23 not enact any law having the effect of withdrawing the
24 proceeds of such motor vehicle license revenues from the
25 operation of this amendment and shall not enact any law
26 impairing or materially altering the rights of the holders of
27 any bonds or motor vehicle license revenue anticipation
28 certificates issued pursuant to this amendment or impairing or
29 altering any covenant or agreement of the state board, as
30 provided in such bonds or motor vehicle license revenue
31 anticipation certificates.

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