



Journal of the 1997-1998 Constitution Revision Commission

Number 11

Thursday, December 11, 1997

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:22 a.m. A quorum was present—34:

Mr. Chairman	Evans	Lowndes	Scott
Alfonso	Evans-Jones	Marshall	Smith
Anthony	Ford-Coates	Mathis	Sullivan
Barkdull	Freidin	Mills	Sundberg
Barnett	Hawkes	Morsani	Thompson
Brochin	Henderson	Nabors	Wetherington
Connor	Jennings	Planas	Zack
Corr	Kogan	Riley	
Crenshaw	Langley	Rundle	

Alternates:

Barton

Excused: Commissioners Argiz and Butterworth; Alternate Logan

PRAYER

The following prayer was offered by Reverend Emory A. Hingst, Pastor, Saint Stephen Lutheran Church.

Amid the multiple and diverse interests and issues of faith and life in your world, we now ask for your presence, Almighty and Loving God. By and with your Spirit remind us at this moment and throughout this day that the very essence of our existence, the very core of our salvation, the Joy of our lives, and the privilege and responsibility to be in community with you and your family of humankind begins and ends in you.

O Gracious God, we acknowledge your perfection and our imperfection by coming to you asking for your continued forgiveness. Forgive our forgetting; forgetting our mixed motivations, our forgetting to walk in the shoes of experience of those different than ourselves, forgetting the silent ones and the hurting ones of our community and our state.

We also ask for your stirring presence in us. Stir up our sensitivity to be aware of our motivations, needs, and wants as well as the needs and wants of other persons and other people. Guide our vision to see more fully and frequently the goal of justice with peace for all humankind. Build into our will the desire to remove the walls and barriers which separate people by race, culture, or economics. Enkindle in us the desire to be more completely turned into the excitement of constructing bridges of care and avenues of mutual growth and shared opportunity in a citizenry movement beneficial to all.

Be with us, O God, to direct us to be more human according to your creation; to appreciate, care for, and share the gifts of our environment; to celebrate the gift of life. Amen.

PLEDGE

Commissioner Riley led the Commission in the pledge of allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Declaration of Rights Committee recommends the following pass: Proposal 5

The Executive Committee recommends the following pass: Proposal 168

The General Provisions Committee recommends the following pass: Proposal 27, Proposal 37, Proposal 120, Proposal 123, Proposal 152

The Judicial Committee recommends the following pass: Proposal 59, Proposal 60, Proposal 153

The Local Government Committee recommends the following pass: Proposal 96, Proposal 167

The proposals contained in the foregoing reports were placed on the calendar.

The Bonding and Investments Committee recommends the following not pass: Proposal 39, Proposal 91, Proposal 151

The Declaration of Rights Committee recommends the following not pass: Proposal 17, Proposal 46, Proposal 56

The General Provisions Committee recommends the following not pass: Proposal 23, Proposal 65, Proposal 72

The Judicial Committee recommends the following not pass: Proposal 94, Proposal 95

The Legislative Committee recommends the following not pass: Proposal 88, Proposal 98, Proposal 161

The Local Government Committee recommends the following not pass: Proposal 50, Proposal 127

The proposals contained in the foregoing reports were placed on the calendar.

The Bonding and Investments Committee recommends a committee substitute for the following: Proposal 64

The Declaration of Rights Committee recommends committee substitutes for the following: Proposal 14, Proposal 21, Proposal 77

The Executive Committee recommends a committee substitute for the following: Proposal 69

The Legislative Committee recommends a committee substitute for the following: Proposal 45

The proposals with committee substitutes attached contained in the foregoing reports were placed on the calendar.

The Judicial Committee recommends a committee substitute for Proposal 108; and recommends that it not pass.

The proposal with committee substitute attached was placed on the calendar.

MOTIONS

Commissioner Connor moved that the rules be waived and that—

By Commissioner Connor—

Proposal 63—A proposal to revise ARTICLE II, s. 8, Fla. Const.; strengthening the powers of the Florida Commission on Ethics.

—which was withdrawn from further consideration December 10 be reintroduced. The motion was adopted. The vote was:

Yeas—28

Mr. Chairman	Crenshaw	Lowndes	Riley
Alfonso	Evans	Marshall	Rundle
Barkdull	Evans-Jones	Mathis	Smith
Barnett	Ford-Coates	Mills	Sullivan
Brochin	Freidin	Morsani	Sundberg
Connor	Jennings	Nabors	Wetherington
Corr	Kogan	Planas	Zack

Nays—4

Anthony	Langley	Scott	Thompson
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COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Select Committee on Article V Costs would meet at 4:00 p.m. this day.

SPECIAL ORDER

The Commission resumed consideration of—

Committee Substitute for Proposal 70—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

—with pending **Substitute Amendment 2** by Commissioner Mills, which was previously considered December 10.

On motion by Commissioner Scott, the Journal of December 10 was corrected to reflect that **Amendments 2A, 2B, 2C** and **2D** were offered to the proposal, in lieu of **Substitute Amendment 2**; and that the amendments be renumbered as follows: **2A** to **3**, **2B** to **4**, **2C** to **5** and **2D** to **6**.

On motion by Commissioner Langley, further consideration of **Committee Substitute for Proposal 70** with pending **Substitute Amendment 2** was deferred.

Proposal 85—A proposal to revise ARTICLE I, s. 24; ARTICLE III, ss. 1, 2, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 19; ARTICLE IV, ss. 6, 7, 9, 13; ARTICLE V, ss. 2, 9, 11, 12, 20; ARTICLE VII, ss. 1, 5, 18; ARTICLE VIII, s. 6; ARTICLE X, ss. 2, 12; ARTICLE XI, ss. 1, 2, 5, 6; ARTICLE XII, ss. 11, 12, 14, Fla. Const., and to create ARTICLE III, ss. 20, 21, ARTICLE XII, s. 22, Fla. Const.; providing for a unicameral Legislature.

—was read.

Commissioner Evans-Jones moved the following amendment which was adopted:

Amendment 1—Delete everything after the proposing clause and insert:

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

ARTICLE I DECLARATION OF RIGHTS

SECTION 24. Access to public records and meetings.—

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

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

(c) This section shall be self-executing. The legislature, however, may provide by general law for the exemption of records from the requirements of subsection (a) and the exemption of meetings from the requirements of subsection (b), provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law. The legislature shall enact laws governing the enforcement of this section, ~~including the maintenance, control, destruction, disposal, and its disposition of records made public by this section, except that each house of the legislature may adopt rules governing the enforcement of this section in relation to records of the legislative branch. Laws enacted pursuant to this subsection shall contain only exemptions from the requirements of subsections (a) or (b) and provisions governing the enforcement of this section, and shall relate to one subject.~~

(d) All laws that are in effect on July 1, 1993, that limit public access to records or meetings shall remain in force, and such laws apply to records of the legislative and judicial branches, until they are repealed. Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed.

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

ARTICLE III LEGISLATURE

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

SECTION 2. ~~Organization and procedure~~ ~~Members; officers.—~~ ~~The legislature shall be the sole judge of the election and qualifications of its members. It shall choose its presiding officer biennially from among its members and employ a secretary to serve at its pleasure. It shall determine its rules of procedure. It may compel the attendance of its absent members, discipline its members, and, with the concurrence of two-thirds of all the members, expel a member. Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.~~

SECTION 3. Sessions of the legislature.—

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

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

(c) SPECIAL SESSIONS.

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

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

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

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

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

SECTION 4. Quorum and procedure.—

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

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

(b)(c) The legislature Each house shall keep and publish a journal of its proceedings, which shall be published from day to day; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded. Sessions of the legislature shall be public, except that sessions when considering appointment to or removal from public office may be closed.

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

(c)(e) The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public. The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor and the presiding officer, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public. All open meetings shall be subject to order and decorum. This section shall be implemented and defined by the rules of the legislature each house, and such rules shall control admission to the floor of the each legislative chamber and may, where reasonably necessary for security purposes or to protect a witness appearing before a

committee, provide for the closure of committee meetings. The legislature is Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section.

SECTION 5. Investigations; witnesses.—The legislature Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

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

SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it, within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

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

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

SECTION 9. Effective date of laws.—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor, it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

SECTION 11. Prohibited special laws.—

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

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

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

- (3) Rules of evidence in any court;
 - (4) Punishment for crime;
 - (5) Petit juries, including compensation of jurors, except establishment of jury commissions;
 - (6) Change of civil or criminal venue;
 - (7) Conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;
 - (8) Refund of money legally paid or remission of fines, penalties, or forfeitures;
 - (9) Creation, enforcement, extension, or impairment of liens based on private contracts, or fixing of interest rates on private contracts;
 - (10) Disposal of public property, including any interest therein, for private purposes;
 - (11) Vacation of roads;
 - (12) Private incorporation or grant of privilege to a private corporation;
 - (13) Effectuation of invalid deeds, wills, or other instruments, or change in the law of descent;
 - (14) Change of name of any person;
 - (15) Divorce;
 - (16) Legitimation or adoption of persons;
 - (17) Relief of minors from legal disabilities;
 - (18) Transfer of any property interest of persons under legal disabilities or of estates of decedents;
 - (19) Hunting or fresh water fishing;
 - (20) Regulation of occupations which are regulated by a state agency;
- or
- (21) Any subject when prohibited by general law passed by a three-fifths vote of the membership of *the legislature each house*. Such law may be amended or repealed by like vote.

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

SECTION 15. Terms and qualifications of legislators.—

(a) *TERMS SENATORS.* ~~Legislators~~ ~~Senators~~ shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some ~~legislators~~ ~~senators~~ shall be elected for terms of two years when necessary to maintain staggered terms.

(b) *DISTRICTS.*—~~For the purpose of electing members of the legislature, the state shall be divided into as many districts as there are members of the legislature.~~ ~~REPRESENTATIVES.~~—~~Members of the house of representatives shall be elected for terms of two years in each even-numbered year.~~

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

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

SECTION 16. Legislative apportionment.—

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

(b) *FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL RE-APPORTIONMENT.* In the event a special apportionment session of the legislature finally adjourns without adopting a ~~joint~~ resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

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

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

(e) *EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT.* Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a ~~joint~~ resolution of apportionment shall be had as provided for in cases of such ~~joint~~ resolution adopted at a regular or special apportionment session.

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

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

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

(b) ~~An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the~~

senate, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

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

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

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

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

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

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

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

(f) TRUST FUNDS.

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

(2) State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

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

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

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

(g) BUDGET STABILIZATION FUND. Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of ~~such said~~ amount for the 1995-1996 fiscal year, at least 3% of ~~such said~~ amount for the 1996-1997 fiscal year, at least 4% of ~~such said~~ amount for the 1997-1998 fiscal year, and at least 5% of ~~such said~~ amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. The governor shall recommend to the legislature biennially any revisions to the state planning document, as defined by law. General law shall require a biennial review and revision of the state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents consistent with the state planning document. The state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.

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

ARTICLE III
LEGISLATURE

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

SECTION 21. Committees.—The legislature may establish such committees as it deems necessary for the conduct of its business. The presiding officer of the legislature shall appoint members to serve on such committees. The members of each committee so appointed shall elect by majority vote a chairman and a vice chairman. The chairman or vice chairman may be relieved of duty at any time by a two-thirds vote of the committee members. When a committee to which a bill has been assigned has not reported on it, upon written authorization of the prime sponsor, one-third of all the members of the legislature shall have power to relieve the committee of further consideration of the bill, whereupon the bill shall be withdrawn from the committee, placed upon the calendar, and taken up instanter.

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

ARTICLE IV
EXECUTIVE

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

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

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

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the secretary of state, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony; and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

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

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

SECTION 9. Game and fresh water fish commission.—There shall be a game and fresh water fish commission, composed of five members appointed by the governor subject to confirmation by the legislature senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating regulations of the commission shall be prescribed by specific statute. The legislature may enact laws in aid of the commission, not inconsistent with this section. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from such

license fees shall be appropriated to the commission by the legislature for the purpose of management, protection, and conservation of wild animal life and fresh water aquatic life.

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

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

ARTICLE V
JUDICIARY

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. These rules may be repealed by general law enacted by two-thirds vote of the membership of ~~each house of~~ the legislature.

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

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

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

*SECTION 9. Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing, or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; *however, provided* the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of ~~both houses of~~ the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by ~~concurrent~~ resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of ~~both houses of~~ the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.*

SECTION 11. Vacancies.—

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

(b) The governor shall fill each vacancy on a circuit court or on a county court by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment, one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

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

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

SECTION 12. Discipline; removal and retirement.—

(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.

(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:

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

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

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

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; *however, provided that* a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

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

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

(5) The commission shall have access to all information from all executive, legislative, and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the *presiding officer of the legislature speaker of the house of representatives* or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

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

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

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission, and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter, or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

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

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

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge, the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit

judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

(f) SCHEDULE TO SECTION 12.—

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

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

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

b. The investigative panel shall be composed of:

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

c. The hearing panel shall be composed of:

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

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

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

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

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

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

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

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

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

i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.

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

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

SECTION 20. Schedule to Article V.—

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

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

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

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

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

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

(4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars (\$2,500.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by subsection (c)(3) hereof, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts, and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11, and 24 of the Constitution of 1885.

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

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

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

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

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

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

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

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

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

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

(9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers, and upon such application *the said* chief judge shall direct the court to sit in the location unless he shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

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

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

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

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

(d) When this article becomes effective:

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

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

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

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

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

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

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

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

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

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

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

(e) LIMITED OPERATION OF SOME PROVISIONS.—

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

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

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

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

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

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

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

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

ARTICLE VII FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—

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

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

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

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

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III; and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of ~~each house~~ of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues" means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe

Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

SECTION 5. Estate, inheritance, and income taxes.—

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

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

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

SECTION 18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.—

(a) No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership ~~in each house~~ of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

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

(c) Except upon approval of ~~each house~~ of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989. The provisions of this subsection shall not apply to enhancements enacted after February 1, 1989, to state tax sources, or during a fiscal emergency declared in a written ~~joint~~ proclamation issued by the *presiding officer of the legislature* ~~president of the senate and the speaker of the house of representatives~~, or where the legislature provides additional state-shared revenues which are anticipated to be sufficient to replace the anticipated aggregate loss of state-shared revenues resulting from the reduction of the percentage of the state tax shared with counties and municipalities, which source of replacement revenues shall be subject to the same requirements for repeal or modification as provided herein for a state-shared tax source existing on February 1, 1989.

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

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

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

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.—

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

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

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

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

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

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

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

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

ARTICLE X
MISCELLANEOUS

SECTION 2. Militia.—

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

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

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the *legislature senate*.

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

SECTION 12. Rules of construction.—Unless qualified in the text the following rules of construction shall apply to this constitution.

(a) “Herein” refers to the entire constitution.

(b) The singular includes the plural.

(c) The masculine includes the feminine.

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

(e) Vote or other action of *the legislature a legislative house* or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. “Of the membership” means “of all members thereof.”

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

(g) “Special law” means a special or local law.

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

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

ARTICLE XI
AMENDMENTS

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

SECTION 2. Revision commission.—

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

(1) The attorney general of the state;

(2) Fifteen members selected by the governor;

(3) Nine members selected by the *presiding officer of the legislature speaker of the house of representatives* and nine members selected by the *minority party leader president* of the *legislature senate*; and

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

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

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

SECTION 5. Amendment or revision election.—

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

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

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

SECTION 6. Taxation and budget reform commission.—

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

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

(2) Seven members selected by the *presiding officer of the legislature speaker of the house of representatives* and seven members selected by the *minority party leader president of the legislature senate*, none of whom shall be a member of the legislature at the time of appointment.

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

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

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chairman and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chairman. An affirmative vote of two thirds of the full commission and the concurrence of a majority of the members appointed by the governor pursuant to paragraph (a)(1) *and*, a concurrence of a majority of the members appointed by the *presiding officer and minority leader speaker of the legislature house of representatives* pursuant to paragraph (a)(2), ~~and a concurrence of a majority of the members appointed by the president of the senate pursuant to paragraph (a)(2)~~ shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

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

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall

issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

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

ARTICLE XII
SCHEDULE

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

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

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

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

ARTICLE XII
SCHEDULE

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

And the title is amended to read:

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

Commissioner Sundberg moved **Proposal 85** as amended which failed. The vote was:

Yeas—14

Alfonso	Evans-Jones	Marshall	Sundberg
Brochin	Ford-Coates	Mathis	Zack
Corr	Jennings	Nabors	
Evans	Lowndes	Smith	

Nays—19

Mr. Chairman	Crenshaw	Langley	Scott
Anthony	Freidin	Mills	Sullivan
Barkdull	Hawkes	Morsani	Thompson
Barnett	Henderson	Planas	Wetherington
Connor	Kogan	Riley	

The Commission resumed consideration of—

Committee Substitute for Proposal 70—A proposal to revise ARTICLE X, s. 4, Fla. Const.; providing a value limitation on the homestead exemption; authorizing the legislature to change the amount of the value limitation; providing that the homestead exemption does not apply to certain property.

—with pending **Substitute Amendment 2** by Commissioner Mills.

MOTION TO RECONSIDER AMENDMENT

Commissioner Mills moved that the Commission reconsider the vote by which **Amendment 6** by Commissioner Planas was adopted December 10.

POINT OF ORDER

Commissioner Barkdull raised a point of order that debate was not germane to the motion to reconsider the amendment and should be limited to the merits of the motion instead of the merits of the proposal.

RULING ON POINT OF ORDER

The Chairman ruled the point well taken.

The question recurred on the motion to reconsider the vote by which **Amendment 6** was adopted. The motion failed and the vote was:

Yeas—11

Brochin	Ford-Coates	Marshall	Sullivan
Evans	Freidin	Mills	Thompson
Evans-Jones	Henderson	Riley	

Nays—19

Alfonso	Corr	Lowndes	Scott
Anthony	Hawkes	Mathis	Smith
Barkdull	Jennings	Morsani	Wetherington
Barnett	Kogan	Nabors	Zack
Connor	Langley	Planas	

MOTION

On motion by Commissioner Barkdull, the time of recess was extended until final consideration of **Committee Substitute for Proposal 70** or 12:30 p.m., whichever occurs later.

The question recurred on pending **Substitute Amendment 2** which was adopted.

Commissioners Connor and Zack offered the following amendment which was moved by Commissioner Zack:

Amendment 7—On page 1, line 23, through page 2, line 24, delete those lines and insert:

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

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

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

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child, except the homestead may be devised to the owner's spouse if there be no minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

(d) *The homestead exemption in this section does not apply to any property to the extent that it is acquired with the intent to defraud creditors.*

Commissioner Connor moved the following amendment to **Amendment 7** which was adopted:

Amendment 7A—On page 2, line 6, after the word *acquired* insert: *or improved*

The vote was:

Yeas—23

Alfonso	Evans	Jennings	Riley
Anthony	Evans-Jones	Kogan	Sullivan
Barkdull	Ford-Coates	Marshall	Thompson
Barnett	Freidin	Mills	Wetherington
Brochin	Hawkes	Morsani	Zack
Connor	Henderson	Planas	

Nays—7

Corr	Lowndes	Nabors	Sundberg
Langley	Mathis	Scott	

Amendment 7 as amended failed. The vote was:

Yeas—5

Connor	Hawkes	Sullivan	Zack
Evans			

Nays—24

Alfonso	Ford-Coates	Marshall	Riley
Barkdull	Freidin	Mathis	Scott
Barnett	Henderson	Mills	Smith
Brochin	Jennings	Morsani	Sundberg
Corr	Kogan	Nabors	Thompson
Evans-Jones	Lowndes	Planas	Wetherington

Commissioner Mills moved **Committee Substitute for Proposal 70** as amended which failed. The vote was:

Yeas—7

Anthony	Henderson	Mills	Thompson
Evans	Marshall	Sullivan	

Nays—24

Mr. Chairman	Corr	Kogan	Planas
Alfonso	Evans-Jones	Langley	Riley
Barkdull	Ford-Coates	Lowndes	Scott
Barnett	Freidin	Mathis	Sundberg
Brochin	Hawkes	Morsani	Wetherington
Connor	Jennings	Nabors	Zack

COMMITTEE MEETING CHANGE

Commissioner Barkdull announced that the Education Committee, Ethics and Elections Committee, General Provisions Committee, Legislative Committee and Local Government Committee would meet at 1:30 p.m. in lieu of 1:00 p.m. as scheduled this day.

MOTIONS

On motion by Commissioner Barkdull, by unanimous consent **Proposal 19** and **Proposal 156** were withdrawn from further consideration.

On motion by Commissioner Evans-Jones, by unanimous consent **Proposal 20** was withdrawn from further consideration.

On motion by Commissioner Ford-Coates, by unanimous consent **Proposal 78** was withdrawn from further consideration.

On motion by Commissioner Nabors, by unanimous consent **Proposal 65** was withdrawn from further consideration.

On motion by Commissioner Marshall, by unanimous consent **Proposal 131** was withdrawn from further consideration.

On motion by Commissioner Riley, by unanimous consent **Public Proposal II-7-x-7** and **Public Proposal IV-5-a-1** were withdrawn from further consideration.

On motion by Commissioner Smith, by unanimous consent **Proposal 142** was withdrawn from further consideration.

On motion by Commissioner Sundberg, by unanimous consent **Proposal 73** was withdrawn from further consideration.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 10 was corrected and approved as follows:

Page 112, column 1, from bottom, lines 1 and 2, delete "to **Amendment 2**"; column 2, line 1 delete "**2A**" and insert **3**; line 3 delete "**2B**" and insert **4**; lines 5 and 6 delete "to **Amendment 2**"; line 7 delete "**2C**" and insert **5**; lines 9 and 10 delete "for **Amendment 2C**"; line 11 delete "**2D**" and insert **6**

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 12:46 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 8:30 a.m., Friday, December 12, 1997.

CONSTITUTION REVISION COMMISSION

**Daily Indices for
December 11, 1997**

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**CONSTITUTION REVISION COMMISSION
B-11 HISTORIC CAPITOL
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