



Journal of the 1997-1998 Constitution Revision Commission

Number 29

Monday, March 23, 1998

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CALL TO ORDER

The Commission was called to order by the Chairman at 9:25 a.m. A quorum was present—36:

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

PRAYER

The following prayer was offered by Rev. Mark R. Broadhead, Fellowship Presbyterian Church, Tallahassee:

Eternal God, we come before you this morning with great expectations for this day. Already there have been meetings, public and private, and conversations which will help shape the course of many people's lives. Already there is a sense of anticipation.

You have called these men and women to a special task. Grant them your guidance. As discussions and debates go on this day, be present and let your presence be known. We ask that because there are so many needs, you will help keep self-interest in check for the good of the people. We ask that your grace flow through each person who will be a part of the process. May your peace be known to all who will be affected by today's decisions.

As this day progresses, we pray that you will keep minds alert, tempers in check and senses of humor alive and fresh. Allow for creativity which is exciting and contagious. For these things we pray to your honor and glory. Amen.

PLEDGE

Pages Laurel McDaniel, daughter of Secretary Faye Blanton, and Christine Kretschman of Tallahassee, led the Commission in the pledge of allegiance to the flag of the United States of America.

RECESS

The Chairman declared the Commission in informal recess at 9:30 a.m. to reconvene upon call of the Chairman.

CALL TO ORDER

The Commission was called to order by the Chairman at 9:50 a.m. A quorum was present.

COMMITTEE MEETING CHANGE

The Chairman announced that the Rules and Administration Committee would meet during recess.

RECESS

On motion by Commissioner Wetherington, the Commission recessed at 10:40 a.m. to reconvene upon call of the Chairman.

CALL TO ORDER

The Commission was called to order by the Chairman at 11:26 a.m. A quorum present—35:

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

REPORTS OF COMMITTEES

The Rules and Administration Committee submitted the following report:

Upon recess, the Rules and Administration Committee met to discuss recommendations on the day's procedures. Present were Commissioners Evans-Jones, Langley, Scott, Thompson, and Chairman Barkdull. The Committee determined the procedure to be as follows:

—The Commission would take up each of the 10 proposed revisions in the order as recommended by the Style and Drafting Committee;

—Each proposed revision would be available for amendment (technical, substantive, or grouping) upon a vote of 22;

—All proposed revisions would be referred to the Style and Drafting Committee for review and proposed amendments regarding the ballot title and summary.

—Upon completion by review of the Style and Drafting Committee, the proposed revisions would be taken up on final adoption. Twenty-two votes are required for final adoption.

Respectfully submitted,
Thomas H. Barkdull, Jr.,
Chairman

On motion by Commissioner Barkdull, the report of the Rules and Administration Committee was adopted.

SPECIAL ORDER

MOTION

On motion by Commissioner Barkdull, by two-thirds vote debate was limited to three minutes per side.

REVISION 1

Article II, s. 7(a); Article IV, s. 9; Article VII, s. 11 (e)-(f); Article X, s. 18; Article XII, s. 22

CONSERVATION OF NATURAL RESOURCES AND CREATION OF FISH AND WILDLIFE CONSERVATION COMMISSION

Requires adequate provision for conservation of natural resources; creates Fish and Wildlife Conservation Commission granting regulatory and executive powers of Game and Fresh Water Fish Commission and of Marine Fisheries Commission; removes exclusive legislative authority to regulate marine life and grants certain powers to new commission; authorizes revenue bonds to finance acquisition and improvement of lands for conservation, outdoor recreation, and related purposes; restricts disposition of state lands designated for conservation purposes.

—was read.

The Style and Drafting Committee offered the following amendment which was moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 1—On page 2, line 2, after “governor” insert: ,

Commissioner Thompson moved the following amendment which failed to receive the required 22 votes:

Amendment 2—On page 2, lines 20-23, delete “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, and marine life.” and insert: Revenue derived from license fees for the taking of wild animal life and fresh water aquatic life 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, and revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purpose of management, protection, and conservation of marine life as provided by law.

The vote was:

Yeas—21

Table with 4 columns: Mr. Chairman, Anthony, Argiz, Barnett, Barton, Brochin, Butterworth, Connor, Corr, Crenshaw, Hawkes, Jennings, Kogan, Langley, Lowndes, Marshall, Mathis, Mills, Scott, Sundberg, Thompson

Nays—14

Table with 4 columns: Alfonso, Barkdull, Evans, Evans-Jones, Ford-Coates, Freidin, Henderson, Morsani, Nabors, Riley, Smith, West, Wetherington, Zack

The Style and Drafting Committee offered the following amendments which were moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 3—On page 2, line 21, delete “purpose” and insert: purposes purpose

Amendment 4—On page 3, line 17, delete the comma (,)

Amendment 5—On page 3, line 20, delete “determines” and insert: determine

Amendment 6—On page 3, line 28, delete “either of”

Commissioner Barnett moved the following amendment to the ballot language which was adopted:

Amendment 7—On page 1, line 11, after “granting” insert: it the

On motion by Commissioner Mills, the Revision 1 grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—32

Table with 4 columns: Mr. Chairman, Alfonso, Anthony, Barkdull, Barnett, Barton, Brochin, Butterworth, Connor, Crenshaw, Evans, Evans-Jones, Ford-Coates, Freidin, Henderson, Jennings, Kogan, Langley, Lowndes, Marshall, Mathis, Mills, Morsani, Nabors, Riley, Scott, Smith, Sundberg, Thompson, West, Wetherington, Zack

Nays—3

Table with 3 columns: Argiz, Corr, Hawkes

REVISION 2 Article IX, s. 1

PUBLIC EDUCATION OF CHILDREN

Declares the education of children a fundamental value of the people of Florida and establishes adequate education as a paramount duty of the state; defines the adequate provision for a uniform system of free public education as an efficient, safe, secure, and high quality system.

—was read.

The Style and Drafting Committee offered the following amendment which was moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 1—On page 1, line 15, delete “its”

Commissioner Brochin moved the following amendment to the ballot language which was adopted:

Amendment 2—On page 1, line 3, delete “adeqaute” and insert: adequate

Commissioner Brochin moved the following amendment which was adopted by the required 22 votes:

Amendment 3—On page 1, lines 16-26, delete those lines and insert: State of Florida. It is therefore a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform efficient, safe, secure, and high quality system of free public schools that allow students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

On motion by Commissioner Mills, the Revision 2 grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—28

Table with 4 columns: Mr. Chairman, Alfonso, Anthony, Argiz, Barkdull, Barnett, Brochin, Butterworth, Crenshaw, Evans-Jones, Ford-Coates, Freidin, Henderson, Jennings, Kogan, Lowndes, Marshall, Mathis, Mills, Morsani, Nabors, Riley, Scott, Smith, Sundberg, Thompson, Wetherington, Zack

Nays—7

Table with 4 columns: Barton, Connor, Corr, Evans, Hawkes, Langley, West

REVISION 3
Article V, ss. 10, 11(a)-(b), 12(a), (f), 14;
Article XII, s. 22

SELECTION OF JUDGES AND FUNDING OF STATE COURTS

Provides for future local elections to either retain current election of circuit and county judges or to choose merit selection and retention; provides for election procedure for subsequent changes to selection of judges; increases county judges' terms to six years; corrects judicial qualifications commission term of office; allocates state court system funding among state, counties, and users of the courts.

—was read.

The Style and Drafting Committee offered the following amendment which was moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 1—On page 2, lines 9 and 10 and 17 and 18, delete “and Article V, Section 11, as amended,”

Commissioner Scott moved the following amendment which was adopted by the required 22 votes:

Amendment 2—On page 3, line 4, delete “*secretary of state*” and insert: *custodian of state records*

Commissioner Lowndes moved the following amendment to the ballot language which was adopted:

Amendment 3—On page 1, line 9, after “selection” add by appointment and after “retention” add by vote to retain or not

On motion by Commissioner Mills, the **Revision 3** grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—30

Mr. Chairman	Butterworth	Langley	Smith
Alfonso	Crenshaw	Lowndes	Sundberg
Anthony	Ford-Coates	Marshall	Thompson
Argiz	Freidin	Mills	West
Barkdull	Hawkes	Morsani	Wetherington
Barnett	Henderson	Nabors	Zack
Barton	Jennings	Riley	
Brochin	Kogan	Scott	

Nays—5

Connor	Evans	Evans-Jones	Mathis
Corr			

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 12:26 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Commission was called to order by the Chairman at 1:24 p.m. A quorum present—36:

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

SPECIAL ORDER, continued

REVISION 4
Article IV, ss. 3(b), 4, 8(a);
Article IX, s. 2; Article XII, s. 9(c), 22

RESTRUCTURING THE STATE CABINET

Restructures elected cabinet membership as attorney general, agriculture commissioner, chief financial officer; eliminates offices of elected secretary of state, comptroller, treasurer, and education commissioner; combines duties of comptroller and treasurer into new chief financial officer; in voting ties, governor prevails; changes state board of education from governor and cabinet to board appointed by governor which appoints education commissioner; defines state board of administration, trustees of internal improvement trust fund, and land acquisition trust fund.

—was read.

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Mills:

Amendment 1—Delete everything and insert:

REVISION 4

ARTICLE II, s. 8(h), ARTICLE III ss. 8(b), 16(b) and (f), 19(f), ARTICLE IV, ss. 3(b), 4, 7(a), and 8, ARTICLE VIII, s. 1(i), ARTICLE IX, s. 2, ARTICLE XI, ss. 2(c), 3, 4, 5(a), and 6(e), and ARTICLE XII, s. 9(c), Fla. Const. and create s. 22, ARTICLE XII, Fla. Const.; providing for membership of the Florida Cabinet.

RESTRUCTURING THE STATE CABINET

Restructures elected cabinet membership as attorney general, agriculture commissioner, chief financial officer; eliminates offices of elected secretary of state, comptroller, treasurer, and education commissioner; combines duties of comptroller and treasurer into new chief financial officer; in voting ties, governor prevails; changes state board of education from governor and cabinet to board appointed by governor, which appoints education commissioner; defines state board of administration, trustees of internal improvement trust fund, and land acquisition trust fund.

ARTICLE II
GENERAL PROVISIONS

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the ~~custodian~~ ~~secretary~~ of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

- a. A copy of the person's most recent federal income tax return; or
- b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (h)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

ARTICLE III
LEGISLATURE

SECTION 8. Executive approval and veto.—

(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 house in which the bill originated if in session. If that house is not in session, he shall file them with the *custodian secretary of state records*, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

SECTION 16. Legislative 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 *custodian secretary of state records* an order making such apportionment.

(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 *custodian secretary of state records* an order making such apportionment.

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

(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 *chief financial officer* 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.

ARTICLE IV
EXECUTIVE

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

(b) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined

by the supreme court upon due notice after docketing of a written suggestion thereof by ~~three~~ ^{four} cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or ~~three~~ ^{four} cabinet members. Incapacity to serve as governor may also be established by certificate filed with the *custodian of state records secretary of state* by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of ~~a secretary of state, an attorney general, a comptroller, a chief financial officer treasurer, and a commissioner of agriculture and a commissioner of education.~~ In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. *In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.*

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

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

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

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

(d) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(e) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

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

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

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the *custodian secretary of state records*, 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.

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the *custodian secretary* of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 1. Counties.—

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the *custodian secretary* of state records and shall become effective at such time thereafter as is provided by general law.

ARTICLE IX
EDUCATION

SECTION 2. State board of education.—~~The governor and the members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.~~

ARTICLE XI
AMENDMENTS

SECTION 2. Revision commission.—

(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 *custodian secretary* of state records its proposal, if any, of a revision of this constitution or any part of it.

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the *custodian secretary* of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

SECTION 4. Constitutional convention.—

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the *custodian secretary* of state records a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority

voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the *custodian secretary* of state records any revision of this constitution proposed by 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 *custodian secretary* of state records, 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.

SECTION 6. Taxation and budget reform commission.—

(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 *custodian secretary* of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

ARTICLE XII
SCHEDULE

SECTION 9. Bonds.—

(c) MOTOR VEHICLE FUEL TAXES.

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

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years,

secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under Article IV, Section 4 said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the "second gas tax" allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

Section 1. Section 22 is added to Article XII of the Florida Constitution to read:

ARTICLE XII
SCHEDULE

SECTION 22. Executive branch reform.—The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision.

And the title is amended as follows:

Delete everything before the proposing clause and insert: A proposal to revise

The Style and Drafting Committee recommended the following amendment which was moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 1A—On page 4, line 14, after "of" insert: free

Amendment 1 as amended was adopted by the required 22 votes.

On motion by Commissioner Mills, the Revision 4 grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—22

Table with 4 columns: Mr. Chairman, Barkdull, Corr, Freidin; Alfonso, Brochin, Evans-Jones, Kogan; Anthony, Butterworth, Ford-Coates, Langley

Table with 4 columns: Lowndes, Morsani, Rundle, Thompson; Mathis, Nabors, Smith, Zack; Mills, Riley; Nays—12; Argiz, Crenshaw, Henderson, Scott; Barton, Evans, Jennings, Sundberg; Connor, Hawkes, Marshall, West

Vote after roll call:

Yea—Barnett, Wetherington

REVISION 5
Article II, s. 10, Article III, s. 16

CREATES REAPPORTIONMENT AND REDISTRICTING COMMISSION TO ESTABLISH VOTING DISTRICTS AND MANDATES SINGLE-MEMBER LEGISLATIVE DISTRICTS

Creates a 17-member commission to divide the state into legislative and congressional voting districts, transferring this duty from the legislature to the commission; senate president, house speaker, and designee of nonmajority party members from each house each appoint four members; those sixteen appoint seventeenth member as chair; establishes standards for the plan and procedures for its adoption; requires single-member legislative districts.

—was read.

MOTION

On motion by Commissioner Lowndes, by the required 22 votes the Revision 5 grouping with ballot language was separated by proposal and recommitted to the Style and Drafting Committee.

REVISION 6
Article IV, s. 5(a); Article VI, ss. 1, 2, 5, 7;
Article IX, s. 4(a)

BALLOT ACCESS, PUBLIC CAMPAIGN FINANCING, AND ELECTION PROCESS REVISIONS

Provides that requirements for independents and minor party candidates can be no greater than those for majority party candidates; allows all registered voters, regardless of party, to vote in any party's primary election where the winner will have no general election opposition; provides public financing of campaigns for statewide candidates who agree to campaign spending limits; permits candidates for governor to run in primary elections without lieutenant governor; makes school board elections nonpartisan; corrects voting age.

—was read.

The Style and Drafting Committee recommended the following amendments which were moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 1—On page 2, line 12, delete the comma (,)

Amendment 2—On page 2, line 11, delete the comma (,)

Commissioner Barnett moved the following amendment to the ballot language which was adopted:

Amendment 3—On page 1, line 8, delete "can be no" and insert: cannot be

MOTION

Commissioner Langley moved to separate Proposal 32, Committee Substitute for Proposal 79 and Proposal 149 from the Revision 6 grouping. The motion failed to receive the required 22 votes. The vote was:

Yeas—16

Table with 4 columns: Alfonso, Barton, Crenshaw, Evans-Jones; Argiz, Carr, Evans, Hawkes

Henderson	Langley	Mathis	Scott
Jennings	Marshall	Morsani	West
Nays—20			
Mr. Chairman	Butterworth	Lowndes	Smith
Anthony	Connor	Mills	Sundberg
Barkdull	Ford-Coates	Nabors	Thompson
Barnett	Freidin	Riley	Wetherington
Brochin	Kogan	Rundle	Zack

Commissioner Mills moved the **Revision 6** grouping with ballot language which failed to receive the required 22 votes. The vote was:

Yeas—21			
Mr. Chairman	Evans-Jones	Mills	Thompson
Alfonso	Ford-Coates	Nabors	Wetherington
Barkdull	Freidin	Riley	Zack
Brochin	Kogan	Rundle	
Butterworth	Lowndes	Smith	
Connor	Marshall	Sundberg	
Nays—14			
Anthony	Crenshaw	Jennings	Scott
Argiz	Evans	Langley	West
Barton	Hawkes	Mathis	
Corr	Henderson	Morsani	

RECONSIDERATION

Commissioner Smith moved that the Commission reconsider the vote by which the **Revision 6** grouping with ballot language as amended failed to receive the required 22 votes. The motion was adopted. The vote was:

Yeas—22			
Alfonso	Connor	Lowndes	Sundberg
Anthony	Evans-Jones	Marshall	Thompson
Barkdull	Ford-Coates	Mills	Wetherington
Barnett	Freidin	Nabors	Zack
Brochin	Henderson	Riley	
Butterworth	Kogan	Smith	
Nays—12			
Argiz	Crenshaw	Jennings	Morsani
Barton	Evans	Langley	Scott
Corr	Hawkes	Mathis	West

On motion by Commissioner Mills, the **Revision 6** grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—22			
Mr. Chairman	Connor	Marshall	Sundberg
Anthony	Evans-Jones	Mills	Thompson
Barkdull	Ford-Coates	Nabors	Wetherington
Barnett	Freidin	Riley	Zack
Brochin	Kogan	Rundle	
Butterworth	Lowndes	Smith	
Nays—14			
Alfonso	Crenshaw	Jennings	Scott
Argiz	Evans	Langley	West
Barton	Hawkes	Mathis	
Corr	Henderson	Morsani	

REVISION 7
Article VII, s. 3, Article VIII, s. 7

LOCAL AND MUNICIPAL PROPERTY TAX EXEMPTIONS AND CITIZEN ACCESS TO LOCAL OFFICIALS

Broadens tax exemption for governmental uses of municipal property; authorizes legislature to exempt certain municipal and special district property used for airport, seaport, or public purposes; permits local option tax exemption for property used for conservation purposes; permits local option tangible personal property tax exemption for attachments to mobile homes and certain residential rental furnishings; and allows citizens to talk with local government officials about matters which are the subject of public hearings.

—was read. On motion by Commissioner Mills, the **Revision 7** grouping with ballot language was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote was:

Yeas—32			
Mr. Chairman	Connor	Jennings	Riley
Alfonso	Corr	Kogan	Rundle
Anthony	Crenshaw	Lowndes	Scott
Argiz	Evans	Marshall	Sundberg
Barkdull	Evans-Jones	Mathis	Thompson
Barnett	Ford-Coates	Mills	West
Barton	Freidin	Morsani	Wetherington
Butterworth	Henderson	Nabors	Zack

Nays—3		
Brochin	Hawkes	Smith

Vote after roll call:

Yea—Langley

REVISION 8
Article VIII, s. 5

FIREARMS PURCHASES: LOCAL OPTION FOR WAITING PERIOD AND CRIMINAL RECORDS CHECK

Authorizes each county the option of requiring a criminal history records check and waiting period of 3 to 5 days in connection with the “sale” of any firearm; defines “sale” as the transfer of money or other valuable consideration for a firearm where any part of the transaction occurs on property open to public access; does not apply to holders of a concealed weapons permit when purchasing a firearm.

—was read.

Commissioner Connor moved the following amendment which failed:

Amendment 1—On page 1, line 14 through page 2, line 6, delete all of said lines and insert:

ARTICLE I
DECLARATION OF RIGHTS

SECTION 8. Right to bear arms.—

(e) Laws relating to the sale, transfer, delivery, furnishing, and purchase of firearms apply to such transactions occurring at gun shows, exhibitions, and flea markets and on their premises. Any person engaged in the business of selling or dealing in firearms at gun shows, exhibitions, or flea markets or on their premises must be a licensed firearms dealer. As used in this subsection:

- (1) “Dealer” means a person engaged in the business of selling firearms at wholesale or retail or a pawnbroker.*
- (2) “Licensed firearms dealer” means any dealer who is licensed to see firearms under the provisions of federal law.*
- (3) “Pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.*

(4) “Engaged in the business” means a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term does not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or makes an occasional sale of all or part of a personal collection of firearms.

The vote was:

Yeas—12

Alfonso	Corr	Jennings	Scott
Barton	Crenshaw	Langley	Thompson
Connor	Evans	Mathis	West

Nays—23

Mr. Chairman	Evans-Jones	Lowndes	Rundle
Anthony	Ford-Coates	Marshall	Smith
Barkdull	Freidin	Mills	Sundberg
Barnett	Hawkes	Morsani	Wetherington
Brochin	Henderson	Nabors	Zack
Butterworth	Kogan	Riley	

On motion by Commissioner Mills, the **Revision 8** grouping with ballot language was adopted by the required 22 votes and recommitted to the Style and Drafting Committee.

REVISION 9
Article I, ss. 2, 3

BASIC RIGHTS AND RELIGIOUS FREEDOM

States that females and males alike are equal before the law; adds "national origin" and changes "physical handicap" to "physical disability" as reasons persons are protected from being deprived of any right; prohibits the state or political subdivisions from substantially burdening the free exercise of religion with a rule of general applicability unless it furthers a compelling interest.

—was read.

Commissioner Connor moved the following amendments which were adopted by the required 22 votes:

Amendment 1—On page 1, lines 28 and 29, delete "*The state or any political subdivision or agency thereof*" and insert: *A governmental entity*

Amendment 2—On page 1, line 31, after "*rule*" insert: *or law*

MOTION

Commissioner Connor moved to separate **Proposal 187** from the **Revision 9** grouping. The motion was adopted by the required 22 votes. The vote was:

Yeas—29

Mr. Chairman	Corr	Lowndes	Smith
Alfonso	Crenshaw	Marshall	Thompson
Anthony	Evans	Mathis	West
Argiz	Evans-Jones	Mills	Wetherington
Barkdull	Freidin	Morsani	Zack
Barton	Hawkes	Riley	
Butterworth	Kogan	Rundle	
Connor	Langley	Scott	

Nays—6

Barnett	Ford-Coates	Nabors	Sundberg
Brochin	Henderson		

Further consideration of the **Revision 9** grouping as amended was deferred.

- REVISION 10
Article I, ss. 4, 16(a), 18, 23;
Article II, ss. 5(b), 8(g)-(i);
Article III, ss. 3(f), 8(a)-(b), 17(b)-(c), 18, 19(d);
Article IV, ss. 1(a) and (c), 2, 3(b), 4(e), 7(a);
Article V, ss. 1, 2(a) and (b), 3(a), 8, 10(a), 11(c), 17, 18,
20(c)(6) and (9), 20(d)(8), 20(e)(1);
Article VII, s. 6(b); Article IX, s. 5;
Article X, ss. 3 and 4(a);
Article XI, ss. 2 and 6

MISCELLANEOUS AND TECHNICAL REVISIONS

Removes gender-specific references; allows courts martial to impose prison sentences; moves ethics code provision; specifies time for veto message consideration; clarifies legislature gives officials general appropriations bills 72 hours before final passage; allows direct appeal of courts martial to specified state court and advisory opinions from federal military courts; requires earlier constitution revision commission appointments; changes tax and budget reform commission voting procedures and meetings from every 10 to every 20 years.

—was read.

The Style and Drafting Committee recommended the following amendments which were moved by Commissioner Mills and adopted by the required 22 votes:

Amendment 1—On page 7, line 21, after "*the*" insert: *governor's*

Amendment 2—On page 10, line 13, delete "respective" and insert: *respective*

Commissioners Freidin, Mathis, and Evans-Jones offered the following amendment which was moved by Commissioner Freidin and adopted by the required 22 votes:

Amendment 3—On page 16, lines 19 and 23 and on page 17, lines 24 and 26, delete "*chairperson*" and insert: *chair*

On motion by Commissioner Mills, the **Revision 10** grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—35

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

Nays—None

The Commission resumed consideration of—

REVISION 9
Article I, ss. 2, 3

BASIC RIGHTS AND RELIGIOUS FREEDOM

States that females and males alike are equal before the law; adds "national origin" and changes "physical handicap" to "physical disability" as reasons persons are protected from being deprived of any right; prohibits the state or political subdivisions from substantially burdening the free exercise of religion with a rule of general applicability unless it furthers a compelling interest.

—which was previously considered and amended this day.

Commissioner Freidin moved the following amendment to the ballot language which was adopted:

Amendment 3—On page 1, lines 6-10, delete all of said lines and insert: states that females and males alike are equal before the law and that no person shall be deprived of any right because of national origin; and changes "physical handicap" to "physical disability" as a reason persons are protected from being deprived of any right.

On motion by Commissioner Mills, the **Revision 9** grouping with ballot language as amended was adopted, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—30

Mr. Chairman	Anthony	Barkdull	Barton
Alfonso	Argiz	Barnett	Brochin

Butterworth	Jennings	Morsani	Sundberg	Lowndes	Mills	Sundberg	West
Crenshaw	Kogan	Nabors	Thompson	Marshall	Scott	Thompson	Zack
Evans-Jones	Lowndes	Riley	Wetherington	Mathis	Smith		
Ford-Coates	Marshall	Rundle	Zack	Nays—13			
Freidin	Mathis	Scott		Alfonso	Evans-Jones	Henderson	Riley
Henderson	Mills	Smith		Argiz	Ford-Coates	Morsani	Rundle
Nays—6				Brochin	Freidin	Nabors	Wetherington
Connor	Evans	Langley	West	Crenshaw			
Corr	Hawkes						

RECONSIDERATION

On motion by Commissioner Barkdull, the Commission reconsidered the vote by which—

REVISION 1
 Article II, s. 7(a); Article IV, s. 9;
 Article VII, s. 11 (e)-(f);
 Article X, s. 18; Article XII, s. 22

CONSERVATION OF NATURAL RESOURCES AND CREATION OF FISH AND WILDLIFE CONSERVATION COMMISSION

Requires adequate provision for conservation of natural resources; creates Fish and Wildlife Conservation Commission granting regulatory and executive powers of Game and Fresh Water Fish Commission and of Marine Fisheries Commission; removes exclusive legislative authority to regulate marine life and grants certain powers to new commission; authorizes revenue bonds to finance acquisition and improvement of lands for conservation, outdoor recreation, and related purposes; restricts disposition of state lands designated for conservation purposes.

—as amended was adopted. The vote was:

Yeas—20

Mr. Chairman	Corr	Langley	Smith
Anthony	Evans	Marshall	Sundberg
Barkdull	Freidin	Mathis	Thompson
Barton	Hawkes	Mills	West
Connor	Jennings	Scott	Zack

Nays—14

Alfonso	Butterworth	Henderson	Riley
Argiz	Crenshaw	Kogan	Wetherington
Barnett	Evans-Jones	Morsani	
Brochin	Ford-Coates	Nabors	

On motion by Commissioner Barkdull, the Commission reconsidered the vote by which **Amendment 2** failed.

Commissioner Thompson moved the following amendment which was adopted by the required 22 votes:

Amendment 2—On page 2, lines 20-23, delete “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, and marine life.” and insert: *Revenue derived from license fees for the taking of wild animal life and fresh water aquatic life 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.*

The vote was:

Yeas—22

Anthony	Barton	Corr	Jennings
Barkdull	Butterworth	Evans	Kogan
Barnett	Connor	Hawkes	Langley

On motion by Commissioner Thompson, the **Revision 1** grouping with ballot language as amended was adopted by the required 22 votes, ordered engrossed and then recommitted to the Style and Drafting Committee. The vote was:

Yeas—30

Mr. Chairman	Crenshaw	Lowndes	Scott
Anthony	Evans	Marshall	Sundberg
Argiz	Evans-Jones	Mathis	Thompson
Barkdull	Ford-Coates	Mills	West
Barnett	Freidin	Morsani	Wetherington
Barton	Henderson	Nabors	Zack
Brochin	Jennings	Riley	
Butterworth	Kogan	Rundle	
Nays—4			
Connor	Corr	Hawkes	Langley

COMMITTEE MEETING CHANGE

Commissioner Mills announced that the Style and Drafting Committee would meet upon recess.

RECESS

The Chairman declared the Commission in recess at 2:56 p.m. to reconvene at 3:30 p.m.

CALL TO ORDER

The Commission was called to order by the Chairman at 3:56 p.m. A quorum present—36:

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

SPECIAL ORDER, continued

REVISION 1
 Article II, s. 7(a); Article IV, s. 9;
 Article VII, s. 11 (e)-(f);
 Article X, s. 18; Article XII, s. 22

CONSERVATION OF NATURAL RESOURCES AND CREATION OF FISH AND WILDLIFE CONSERVATION COMMISSION

Requires adequate provision for conservation of natural resources; creates Fish and Wildlife Conservation Commission granting it the regulatory and executive powers of Game and Fresh Water Fish Commission and of Marine Fisheries Commission; removes exclusive legislative authority to regulate marine life and grants certain powers to new commission; authorizes revenue bonds to finance acquisition and improvement of lands for conservation, outdoor recreation, and related purposes; restricts disposition of state lands designated for conservation purposes.

ARTICLE II
 GENERAL PROVISIONS

SECTION 7. Natural resources and scenic beauty.—

(a) It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

ARTICLE IV EXECUTIVE

SECTION 9. Fish and wildlife conservation ~~game and fresh water fish~~ commission.—There shall be a fish and wildlife conservation ~~game and fresh water fish~~ commission, composed of seven ~~five~~ members appointed by the governor, subject to confirmation by the 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, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, and fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law ~~specific statute~~. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. 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 license fees for the taking of wild animal life and fresh water aquatic life 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, and revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purpose of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution. 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.

ARTICLE VII FINANCE AND TAXATION

SECTION 11. State bonds; revenue bonds.—

(e) Bonds pledging all or part of a dedicated state tax revenue may be issued by the state in the manner provided by general law to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

(f)(e) Each project, building, or facility to be financed or refinanced with revenue bonds issued under this section shall first be approved by the Legislature by an act relating to appropriations or by general law.

ARTICLE X MISCELLANEOUS

SECTION 18. DISPOSITION OF CONSERVATION LANDS.—The fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state and may be disposed of only if the members of the governing board of the entity holding title determine the property is no longer needed for conservation purposes and only upon a vote of two-thirds of that entity.

ARTICLE XII SCHEDULE

SECTION 22. Fish and wildlife conservation commission.—

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

(c) On the effective date of this amendment, the marine fisheries commission and game and freshwater fish commission shall be abolished.

(d) This amendment shall take effect July 1, 1999.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on **Revision 1** grouping as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—34

Table with 4 columns: Name, Mr. Chairman, Connor, Langley, Scott, Alfonso, Crenshaw, Lowndes, Smith, Anthony, Evans, Marshall, Sundberg, Argiz, Evans-Jones, Mathis, Thompson, Barkdull, Ford-Coates, Mills, West, Barnett, Freidin, Morsani, Wetherington, Barton, Henderson, Nabors, Zack, Brochin, Jennings, Riley, Butterworth, Kogan, Rundle

Nays—2

Table with 2 columns: Name, Corr, Hawkes

REVISION 2 Article IX, s. 1

PUBLIC EDUCATION OF CHILDREN

Declares the education of children to be a fundamental value of the people of Florida; establishes adequate provision for education as a paramount duty of the state; and provides for the adequate provision for a uniform system of free public education as an efficient, safe, secure, and high quality system.

ARTICLE IX EDUCATION

SECTION 1. System of Public education.—The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on **Revision 2** grouping as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—28

Table with 4 columns: Name, Mr. Chairman, Butterworth, Kogan, Rundle, Alfonso, Crenshaw, Lowndes, Scott, Anthony, Evans-Jones, Mathis, Smith, Argiz, Ford-Coates, Mills, Sundberg, Barnett, Freidin, Morsani, Thompson, Barton, Henderson, Nabors, Wetherington, Brochin, Jennings, Riley, Zack

Nays—8

Table with 4 columns: Name, Barkdull, Corr, Hawkes, Marshall, Connor, Evans, Langley, West

REVISION 3

Article V, ss. 10, 11(a)-(b), 12(a), (f), 14;
Article XII, s. 22

SELECTION OF JUDGES AND FUNDING OF STATE COURTS

Provides for future local elections to either retain current election of circuit and county judges or to choose merit selection by appointment and retention by vote to retain or not; provides for election procedure for subsequent changes to selection of judges; increases county judges' terms to six years; corrects judicial qualifications commission term of office; allocates state court system funding among state, counties, and users of the courts.

ARTICLE V
JUDICIARY

SECTION 10. Retention; election and terms.—

(a) Any justice ~~or judge of the supreme court or any judge of a district court of appeal~~ may qualify for retention by a vote of the electors in the general election next preceding the expiration of his term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice ~~of the supreme court or a judge of a district court of appeal~~ so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years. ~~The term of the justice or judge retained shall commence commencing~~ on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b)(1) *The election of circuit judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that circuit approve a local option to select circuit judges by merit selection and retention rather than by election. The election of circuit judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.*

(2) *The election of county court judges shall be preserved notwithstanding the provisions of subsection (a) unless a majority of those voting in the jurisdiction of that county approve a local option to select county judges by merit selection and retention rather than by election. The election of county court judges shall be by a vote of the qualified electors within the territorial jurisdiction of the court.*

(3)a. *A vote to exercise a local option to select circuit court judges and county court judges by merit selection and retention rather than by election shall be held in each circuit and county at the general election in the year 2000. If a vote to exercise this local option fails in a vote of the electors, such option shall not again be put to a vote of the electors of that jurisdiction until the expiration of at least two years.*

b. *After the year 2000, a circuit may initiate the local option for merit selection and retention or the election of circuit judges, whichever is applicable, by filing with the custodian of state records a petition signed by the number of electors equal to at least ten percent of the votes cast in the circuit in the last preceding election in which presidential electors were chosen.*

c. *After the year 2000, a county may initiate the local option for merit selection and retention or the election of county court judges, whichever is applicable, by filing with the supervisor of elections a petition signed by the number of electors equal to at least ten percent of the votes cast in the county in the last preceding election in which presidential electors were chosen. ~~Circuit judges and judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. The terms of circuit judges and judges of county courts shall be for six years. The terms of judges of county courts shall be for four years.~~*

SECTION 11. Vacancies.—

(a) *Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the 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, *wherein the judges are elected by a majority vote of the electors*, 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.

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; 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 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 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.

(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 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, ~~two members~~ ~~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 14. *Funding* ~~Judicial salaries.~~—

(a) All justices and judges shall be compensated only by state salaries fixed by general law. *Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.*

(b) *All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.*

(c) *No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts for performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries and costs and expenses of the state courts system to meet local requirements as determined by general law.*

(d) The judiciary shall have no power to fix appropriations.

ARTICLE XII
SCHEDULE

SECTION 22. *Schedule to Article V Amendment.*—

(a) *Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.*

(b) *Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.*

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on **Revision 3** grouping as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—31

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

Nays—5

Barton Corr Evans Mathis
Connor

 REVISION 4

ARTICLE II, s. 8(h), ARTICLE III ss. 8(b), 16(b) and (f), 19(f), ARTICLE IV, ss. 3(b), 4, 7(a), and 8, ARTICLE VIII, s. 1(i), ARTICLE IX, s. 2, ARTICLE XI, ss. 2(c), 3, 4, 5(a), and 6(e), and ARTICLE XII, s. 9(c), Fla. Const. and create s. 22, ARTICLE XII, Fla. Const.; providing for membership of the Florida Cabinet.

RESTRUCTURING THE STATE CABINET

Restructures elected cabinet membership as attorney general, agriculture commissioner, chief financial officer; eliminates offices of elected secretary of state, comptroller, treasurer, and education commissioner; combines duties of comptroller and treasurer into new chief financial officer; in voting ties, governor prevails; changes state board of education from governor and cabinet to board appointed by governor, which appoints education commissioner; defines state board of administration, trustees of internal improvement trust fund, and land acquisition trust fund.

 ARTICLE II
 GENERAL PROVISIONS

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the *custodian secretary* of state *records* by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

- a. A copy of the person's most recent federal income tax return; or
- b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (h)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

 ARTICLE III
 LEGISLATURE

SECTION 8. Executive approval and veto.—

(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 house in which the bill originated if in session. If that house is not in session, he shall file them with the *custodian secretary* of state *records*, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

SECTION 16. Legislative apportionment.—

(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL REAPPORTIONMENT. 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 *custodian secretary* of state *records* an order making such apportionment.

(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 *custodian secretary* of state *records* an order making such apportionment.

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

(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 ($\frac{3}{5}$) 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 *chief financial officer* 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.

 ARTICLE IV
 EXECUTIVE

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

(b) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by ~~three~~ ~~four~~ cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or ~~three~~ ~~four~~ cabinet members. Incapacity to serve as governor may also be established by certificate filed with the *custodian of state records secretary* of state by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of a ~~secretary of state~~, an attorney general, a ~~comptroller~~, a *chief financial officer* ~~treasurer~~, and a commissioner of agriculture and a ~~commissioner of education~~. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. *In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.*

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

~~(b)(e)~~ The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction

with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

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

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

~~(d)~~ The *governor as chair, the chief financial officer, and the attorney general* shall constitute the *state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).*

~~(e)~~ The *governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture* shall constitute the *trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.*

~~(f)~~ The *governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture* shall constitute the *agency head of the Department of Law Enforcement.*

~~(g)(h)~~ The *commissioner of agriculture* shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

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

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the *custodian secretary of state records*, 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.

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the *custodian secretary of state records*, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of ~~two~~ *three* members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

ARTICLE VIII LOCAL GOVERNMENT

SECTION 1. Counties.—

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the *custodian secretary of state records* and shall become effective at such time thereafter as is provided by general law.

ARTICLE IX EDUCATION

SECTION 2. State board of education.—~~The governor and the members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.~~

ARTICLE XI AMENDMENTS

SECTION 2. Revision commission.—

(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 *custodian secretary of state records* its proposal, if any, of a revision of this constitution or any part of it.

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the *custodian secretary of state records* a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

SECTION 4. Constitutional convention.—

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the *custodian secretary of state records* a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the *custodian secretary of state records* any revision of this constitution proposed by 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 *custodian secretary of state records*, 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.

SECTION 6. Taxation and budget reform commission.—

(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 *custodian secretary* of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

ARTICLE XII
SCHEDULE

SECTION 9. Bonds.—

(c) MOTOR VEHICLE FUEL TAXES.

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

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the “second gas tax” as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the “second gas tax.”

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the “second gas tax” shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total “second gas tax” collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under ~~Article IV, Section 4 said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c).~~ The board shall remit the proceeds of the “second gas tax” in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the “second gas tax” subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the “second gas tax” allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state

road system; and (iii) to refund obligations secured by any portion of the “second gas tax” allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the “second gas tax” allocated to the county exceed seventy-five per cent of the pledged portion of the “second gas tax” allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects to be financed, and of any other legally available pledged revenues collected in the preceding state fiscal year. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls, the pledged portions of the “second gas tax” allocated to that county, and any other pledged revenue, and shall mature not later than forty years from the date of issuance.

ARTICLE XII
SCHEDULE

SECTION 22. Executive branch reform.—The amendments contained in this revision shall take effect January 7, 2003, but shall govern with respect to the qualifying for and the holding of primary elections in 2002. The office of chief financial officer shall be a new office as a result of this revision.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on **Revision 4** grouping as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—25

Mr. Chairman	Butterworth	Marshall	Smith
Alfonso	Corr	Mathis	Thompson
Anthony	Evans-Jones	Mills	Wetherington
Argiz	Ford-Coates	Morsani	Zack
Barkdull	Freidin	Nabors	
Barnett	Kogan	Riley	
Brochin	Lowndes	Rundle	

Nays—11

Barton	Evans	Jennings	Sundberg
Connor	Hawkes	Langley	West
Crenshaw	Henderson	Scott	

Consideration of **Revision 5a** grouping and **Revision 5b** grouping was deferred.

MOTION

Commissioner Connor moved to separate **Committee Substitute for Proposal 79** from **Revision 6** grouping as engrossed. The motion failed to receive the required 22 votes. The vote was:

Yeas—15

Alfonso	Evans	Jennings	Morsani
Barton	Evans-Jones	Langley	Scott
Connor	Hawkes	Marshall	West
Corr	Henderson	Mathis	

Nays—20

Mr. Chairman	Butterworth	Lowndes	Smith
Anthony	Crenshaw	Mills	Sundberg
Barkdull	Ford-Coates	Nabors	Thompson
Barnett	Freidin	Riley	Wetherington
Brochin	Kogan	Rundle	Zack

REVISION 6
Article IV, s. 5(a); Article VI, ss. 1, 2, 5, 7;
Article IX, s. 4(a)

Provides that requirements for independents and minor party candidates cannot be greater than those for majority party candidates; allows all registered voters, regardless of party, to vote in any party's primary election where the winner will have no general election opposition; provides public financing of campaigns for statewide candidates who agree to campaign spending limits; permits candidates for governor to run in primary elections without lieutenant governor; makes school board elections nonpartisan; corrects voting age.

ARTICLE IV EXECUTIVE

SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. *In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election and in party primaries, if held, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.*

ARTICLE VI SUFFRAGE AND ELECTIONS

SECTION 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; *however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.*

SECTION 2. Electors.—Every citizen of the United States who is at least ~~eighteen~~ ~~twenty-one~~ years of age and who ~~is has been~~ a permanent resident ~~of for one year~~ in the state and ~~six months~~ in a county, if registered as provided by law, shall be an elector of *the county where registered that county. Provisions may be made by law for other bona fide residents of the state who are at least twenty-one years of age to vote in the election of presidential electors.*

SECTION 5. *Primary, general, and special elections.—*

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) *If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.*

SECTION 7. *Campaign spending limits and funding of campaigns for elective statewide office.—It is the policy of this state to provide for statewide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for statewide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.*

ARTICLE IX EDUCATION

SECTION 4. School districts; school boards.—

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursu-

ant to law, may be combined into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors *in a nonpartisan election* for appropriately staggered terms of four years, as provided by law.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on **Revision 6** grouping as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—24

Mr. Chairman	Butterworth	Lowndes	Rundle
Anthony	Connor	Marshall	Smith
Argiz	Evans-Jones	Mathis	Sundberg
Barkdull	Ford-Coates	Mills	Thompson
Barnett	Freidin	Nabors	Wetherington
Brochin	Kogan	Riley	Zack

Nays—12

Alfonso	Crenshaw	Henderson	Morsani
Barton	Evans	Jennings	Scott
Corr	Hawkes	Langley	West

REVISION 5a Article II, s. 10

CREATES APPOINTED REAPPORTIONMENT AND REDISTRICTING COMMISSION TO ESTABLISH VOTING DISTRICTS

Creates a 17-member commission to divide the state into legislative and congressional voting districts, transferring this duty from the legislature to the commission; senate president, house speaker, and designee of nonmajority party members from each house each appoint four members; those sixteen appoint seventeenth member as chair; and establishes standards for the plan and procedures for its adoption.

ARTICLE II GENERAL PROVISIONS

SECTION 10. *Legislative apportionment and congressional districting.—*

(a) *REAPPORTIONMENT AND REDISTRICTING COMMISSION.—In the year following each decennial census or when required by law of the United States or by court order, a commission shall divide the state into 40 consecutively numbered senatorial districts, 120 consecutively numbered representative districts, and as many consecutively numbered congressional districts as there are representatives in congress apportioned to this state. The commission shall consist of 17 electors, none of whom may be an elected state official, member of congress, party officer, registered lobbyist, legislative or congressional employee, or relative of an elected state official or member of congress as provided by law. Each district shall be composed of contiguous territory and may not include territory of any other district of the same house. Districts shall be established in accordance with the constitution of the state and of the United States, shall be as nearly equal in population as practical, and may not be drawn in a manner that dilutes the voting strength of any racial or language minority group. Except to meet the foregoing requirements, the commission shall consider creating districts that consist of compact territory and division of counties should be avoided whenever possible. When counties are divided, the number of municipalities and towns contained in more than one district of the same house shall be as small as possible.*

(1) *On or before June 1 in the year following each decennial census, or within 15 days after legislative apportionment or congressional redistricting is required by law or by court order, 16 commissioners shall be certified by the respective appointing authorities to the secretary of state. The president of the senate and the speaker of the house of representatives each shall appoint four commissioners. Members of the senate who are not members of the same party as the president shall designate one from their number who shall appoint four commissioners. Members of the house of representatives who are not members of the same party as that of the speaker shall designate one from their number who shall appoint four commissioners. The appointing authorities shall consider the state's ethnic, racial, and gender diversity. Failure to achieve such diversity shall not be grounds for challenging the authority of the commission.*

(2) Within 45 days after the 16 commissioners are certified to the secretary of state, one additional commissioner, who shall be designated chair of the commission, shall be appointed by a vote of at least nine commissioners and certified to the secretary of state.

(3) As a condition of appointment, each commissioner shall take an oath affirming that the commissioner will not seek election to the senate or house of representatives and will not lobby the legislature for a period of 2 years after concluding service as a commissioner.

(4) A vacancy on the commission shall be filled by the initial appointing authority and certified to the secretary of state within 15 days after the vacancy occurs.

(5) Any appointment that is not timely certified to the secretary of state shall be filled within 15 days by the chief justice of the supreme court of the state.

(6) The commission shall act by majority vote of its membership and shall establish its own rules and procedures. Public notice must be given prior to all meetings of the commission and the meetings shall be open to the public. The commission shall hold hearings to receive public testimony as it deems necessary. All data and documents received, created, or used by the commission shall be open and accessible to the public, except that any plan or draft proposal prepared by a commissioner or by the commission staff is exempt from disclosure until such document is provided to another commissioner or to any member of the public other than commission staff.

(7) Within 150 days after the chair is first certified to the secretary of state, the commission shall file with the secretary of state its final report, including all required plans.

(8) The legislature shall appropriate sufficient funds for the operation of the commission, as provided by law.

(9) After the supreme court determines that the required plans are valid, the commission shall be dissolved.

(b) FAILURE OF COMMISSION TO APPORTION; JUDICIAL APPORTIONMENT.—If the commission does not timely file its final report, including all required plans, with the secretary of state, the commission shall be dissolved, and the attorney general shall, within 5 days, petition the supreme court of the state to divide the state into legislative or congressional districts. Within 60 days after the filing of such petition, the supreme court shall file with the secretary of state an order dividing the state into legislative or congressional districts.

(c) JUDICIAL REVIEW OF APPORTIONMENT.—Within 15 days after the final report of the commission is filed with the secretary of state, the attorney general shall petition the supreme court of the state to determine the validity of the plans. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within 30 days after the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT.—A judgment of the supreme court of the state determining a plan to be valid is binding. If the supreme court determines that a plan adopted by the commission is invalid, the commission, within 20 days after the ruling, shall adopt and file with the secretary of state an amended plan that conforms to the judgment of the supreme court. Within 5 days after the filing of an amended plan, the attorney general shall petition the supreme court of the state to determine the validity of the plan, or, if the commission has failed to file a plan, report that fact to the court. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within 30 days after the filing of the petition, shall enter its judgment.

(e) JUDICIAL APPORTIONMENT.—If the commission fails to file an amended plan, or if the supreme court of the state determines that an amended plan is invalid, the commission shall be dissolved, and the supreme court shall, not later than 60 days after receiving the petition of the attorney general, file with the secretary of state an order dividing the state into legislative or congressional districts.

(f) SENATORIAL TERMS.—Any reelected senator whose prior term was shortened to 2 years as a result of apportionment shall, after apportionment, be assigned to serve a 4-year term. Any new senator or reelected senator whose prior term was not so shortened shall, after apportionment, be assigned to serve a 2-year term; however, if the number of

senators assigned to serve a 2-year term exceeds 20, the number of such senators shall be reduced to 20 by random selection as provided by law.

—was read. Commissioner Mills moved the report of the Style and Drafting Committee on **Revision 5a** grouping which failed to receive the required 22 votes. The vote was:

Yeas—20

Mr. Chairman	Butterworth	Kogan	Smith
Barkdull	Evans-Jones	Lowndes	Sundberg
Barnett	Ford-Coates	Mills	Thompson
Barton	Freidin	Nabors	Wetherington
Brochin	Henderson	Riley	Zack

Nays—15

Alfonso	Corr	Jennings	Morsani
Anthony	Crenshaw	Langley	Scott
Argiz	Evans	Marshall	West
Connor	Hawkes	Mathis	

REVISION 5b
Article III, s. 16

MANDATES SINGLE-MEMBER LEGISLATIVE DISTRICTS

Every 10 years the legislature divides the state into legislative districts. This amendment requires the legislature to divide the state into legislative districts which are represented by no more than one person.

ARTICLE III
LEGISLATURE

SECTION 16. Legislative apportionment.—

(a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at its regular session in 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, *single-member*, senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered, *single-member*, 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.

—was read. Commissioner Mills moved the report of the Style and Drafting Committee on **Revision 5b** grouping which failed to receive the required 22 votes. The vote was:

Yeas—19

Alfonso	Connor	Jennings	Scott
Anthony	Corr	Langley	Thompson
Argiz	Crenshaw	Marshall	West
Barnett	Evans	Mathis	Zack
Barton	Hawkes	Morsani	

Nays—14

Mr. Chairman	Ford-Coates	Lowndes	Sundberg
Barkdull	Freidin	Nabors	Wetherington
Brochin	Henderson	Riley	
Butterworth	Kogan	Smith	

Vote after roll call:

Yea—Mills

REVISION 7
Article VII, s. 3, Article VIII, s. 7

LOCAL AND MUNICIPAL PROPERTY TAX EXEMPTIONS AND CITIZEN ACCESS TO LOCAL OFFICIALS

Broadens tax exemption for governmental uses of municipal property; authorizes legislature to exempt certain municipal and special district property used for airport, seaport, or public purposes; permits local option tax exemption for property used for conservation purposes; permits local option tangible personal property tax exemption for attachments to mobile homes and certain residential rental furnishings; and allows citizens to talk with local government officials about matters which are the subject of public hearings.

ARTICLE VII
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for governmental or municipal or public purposes shall be exempt from taxation. All property owned by a municipality not otherwise exempt from taxation or by a special district and used for airport, seaport, or public purposes, as defined by general law, and uses that are incidental thereto, may be exempted from taxation as provided by general law. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties engaging in the rehabilitation or renovation of these properties in accordance with approved historic preservation guidelines. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) A county or municipality may be authorized by general law to grant ad valorem tax exemptions for real property used for conservation purposes as defined by general law.

(g) In addition to any other exemption granted to tangible personal property, a county may exempt all appurtenances and attachments to mobile home dwellings that are classified as tangible personal property and all appliances, furniture, and fixtures classified as tangible personal

property which are included in single-family and multi-family residential rental facilities that have ten or fewer individual housing units, as provided by general law. The general law shall require the adoption of the exemption on a county-option basis and may specify conditions for its application.

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 7. Ex parte communications.—The people shall have the right to address a local government public official without regard to ex parte communications considerations, in a manner consistent with ethics laws.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on Revision 7 grouping was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—27

Table with 4 columns: Name, Crenshaw, Lowndes, Rundle. Rows include Mr. Chairman, Anthony, Argiz, Barkdull, Barnett, Barton, Corr.

Nays—7

Table with 4 columns: Name, Connor, Hawkes, Wetherington. Rows include Brochin, Butterworth.

Vote after roll call:

Yea—Alfonso

REVISION 8
Article VIII, s. 5

FIREARMS PURCHASES: LOCAL OPTION FOR WAITING PERIOD AND CRIMINAL RECORDS CHECK

Authorizes each county the option of requiring a criminal history records check and waiting period of 3 to 5 days in connection with the "sale" of any firearm; defines "sale" as the transfer of money or other valuable consideration for a firearm where any part of the transaction occurs on property open to public access; does not apply to holders of a concealed weapons permit when purchasing a firearm.

ARTICLE VIII
LOCAL GOVERNMENT

SECTION 5. Local option.—

(a) Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

(b) Each county shall have the authority to require a criminal history records check and a waiting period of not less than 3 days, nor more than 5 days, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed in Florida law shall not be subject to the provisions of this subsection when purchasing a firearm.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on Revision 8 grouping was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—23

Mr. Chairman	Evans-Jones	Lowndes	Rundle
Anthony	Ford-Coates	Marshall	Smith
Argiz	Freidin	Mathis	Sundberg
Barnett	Hawkes	Morsani	Wetherington
Brochin	Henderson	Nabors	Zack
Butterworth	Kogan	Riley	

Nays—12

Barkdull	Corr	Jennings	Scott
Barton	Crenshaw	Langley	Thompson
Connor	Evans	Mills	West

Vote after roll call:

Nay—Alfonso

REVISION 9a
Article I, s. 2

BASIC RIGHTS

States that females and males alike are equal before the law and that no person shall be deprived of any right because of national origin; and changes “physical handicap” to “physical disability” as a reason persons are protected from being deprived of any right.

ARTICLE I
DECLARATION OF RIGHTS

SECTION 2. Basic rights.—All natural persons, *female and male alike*, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, *national origin*, or physical *disability* ~~handicap~~.

—was read. On motion by Commissioner Mills, the report of the Style and Drafting Committee on **Revision 9a** grouping as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—27

Mr. Chairman	Butterworth	Kogan	Scott
Alfonso	Crenshaw	Lowndes	Smith
Anthony	Evans-Jones	Mathis	Sundberg
Argiz	Ford-Coates	Mills	Thompson
Barnett	Freidin	Morsani	Wetherington
Barton	Henderson	Riley	Zack
Brochin	Jennings	Rundle	

Nays—7

Barkdull	Corr	Hawkes	West
Connor	Evans	Langley	

Vote after roll call:

Yea—Nabors

REVISION 9b
Article I, s. 3

PROTECTION OF RELIGIOUS FREEDOM

Expands the protection of religious freedom by prohibiting governmental entities from substantially burdening the free exercise of religion unless the entity demonstrates that its action is in furtherance of a compelling interest and is the least restrictive means of furthering that interest.

—was read. Commissioner Mills moved the report of the Style and Drafting Committee on **Revision 9b** grouping as engrossed.

Commissioner Connor moved the following amendment which was adopted by the required 22 votes:

Amendment 1—On page 1, line 19, delete “*state or*”

Revision 9b grouping as amended was engrossed and considered in full as follows:

REVISION 9b
Article I, s. 3

PROTECTION OF RELIGIOUS FREEDOM

Expands the protection of religious freedom by prohibiting governmental entities from substantially burdening the free exercise of religion unless the entity demonstrates that its action is in furtherance of a compelling interest and is the least restrictive means of furthering that interest.

ARTICLE I
DECLARATION OF RIGHTS

SECTION 3. Religious freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. *A governmental entity may not substantially burden the free exercise of religion, even if the burden results from a rule or law of general applicability, unless the governmental entity demonstrates that application of the burden is in furtherance of a compelling interest and is the least restrictive means of furthering that compelling interest.* Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

Revision 9b grouping as engrossed failed to receive the required 22 votes. The vote was:

Yeas—21

Mr. Chairman	Corr	Langley	Smith
Alfonso	Crenshaw	Marshall	Thompson
Barnett	Evans	Mathis	West
Barton	Evans-Jones	Mills	
Butterworth	Hawkes	Morsani	
Connor	Jennings	Scott	

Nays—14

Anthony	Ford-Coates	Lowndes	Wetherington
Argiz	Freidin	Nabors	Zack
Barkdull	Henderson	Riley	
Brochin	Kogan	Sundberg	

EXPLANATIONS OF VOTE

I inadvertently voted yes on Revision 9b and I wish to correct the record to show that I intended to vote no and that I oppose the revision in the form in which it was presented.

Dexter Douglass

I inadvertently voted yes on Revision 9b and I wish to correct the record to show that I intended to vote no and that I oppose the revision. I would have voted yes on the revision if it had included the amendment which excluded jails and prisons from its effect that previously failed by a tie vote.

Robert A. Butterworth

REVISION 10

- Article I, ss. 4, 16(a), 18, 23;
- Article II, ss. 5(b), 8(g)-(i);
- Article III, ss. 3(f), 8(a)-(b), 17(b)-(c), 18, 19(d);
- Article IV, ss. 1(a) and (c), 2, 3(b), 4(e), 7(a);
- Article V, ss. 1, 2(a) and (b), 3(a), 8, 10(a), 11(c), 17, 18, 20(c)(6) and (9), 20(d)(8), 20(e)(1);
- Article VII, s. 6(b); Article IX, s. 5;
- Article X, ss. 3 and 4(a);
- Article XI, ss. 2 and 6

MISCELLANEOUS AND TECHNICAL REVISIONS

Removes gender-specific references; allows courts martial to impose

prison sentences; moves ethics code provision; specifies time for veto message consideration; clarifies legislature gives officials general appropriations bills 72 hours before final passage; allows direct appeal of courts martial to specified state court and advisory opinions from federal military courts; requires earlier constitution revision commission appointments; changes tax and budget reform commission voting procedures and meetings from every 10 to every 20 years.

—was read. Commissioner Mills moved the report of the Style and Drafting Committee on **Revision 10** grouping as engrossed.

Commissioner Mills moved the following amendment which was adopted by the required 22 votes:

Amendment 1—On page 1, delete line 12 and insert: CLARIFYING, CONFORMING, CORRECTING, AND TECHNICAL REVISIONS

Revision 10 grouping as amended was engrossed and considered in full as follows:

REVISION 10

Article I, ss. 4, 16(a), 18, 23;

Article II, ss. 5(b), 8(g)-(i);

Article III, ss. 3(f), 8(a)-(b), 17(b)-(c), 18, 19(d);

Article IV, ss. 1(a) and (c), 2, 3(b), 4(e), 7(a);

Article V, ss. 1, 2(a) and (b), 3(a), 8, 10(a), 11(c), 17, 18,

20(c)(6) and (9), 20(d)(8), 20(e)(1);

Article VII, s. 6(b); Article IX, s. 5;

Article X, ss. 3 and 4(a);

Article XI, ss. 2 and 6

CLARIFYING, CONFORMING, CORRECTING, AND TECHNICAL REVISIONS

Removes gender-specific references; allows courts martial to impose prison sentences; moves ethics code provision; specifies time for veto message consideration; clarifies legislature gives officials general appropriations bills 72 hours before final passage; allows direct appeal of courts martial to specified state court and advisory opinions from federal military courts; requires earlier constitution revision commission appointments; changes tax and budget reform commission voting procedures and meetings from every 10 to every 20 years.

ARTICLE I DECLARATION OF RIGHTS

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

SECTION 16. Rights of accused and of victims.—

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation against him, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties the trial will take place he will be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

SECTION 18. Administrative penalties.—No administrative agency, except the Department of Military Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

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

ARTICLE II GENERAL PROVISIONS

SECTION 5. Public officers.—

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

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

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

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

(h)(g) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(i)(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

- A copy of the person's most recent federal income tax return; or
- A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (i)(1) (h)(4).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

ARTICLE III LEGISLATURE

SECTION 3. Sessions of the legislature.—

(f) **ADJOURNMENT BY GOVERNOR.** If, during any regular or special session, the 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, and he shall, while neither house is in recess, give each house shall be given formal written notice of the governor's his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

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 the governor 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, the governor 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 house in which the bill originated if in session. If that house is not in session, *the governor* ~~he~~ shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, *whichever occurs first*, and they shall be entered on its journal. *If the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session.*

SECTION 17. 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, *the governor* ~~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 *the chief justice* ~~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 18. Conflict of interest.—A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.~~

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

(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 *of the bill in the form that will be presented to the governor.*

ARTICLE IV EXECUTIVE

SECTION 1. Governor.—

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

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

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

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

(b) Upon impeachment of the governor and until completion of trial thereof, or during ~~his~~ physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the secretary of state by the governor declaring ~~his~~ incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 4. Cabinet.—

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

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.

ARTICLE V JUDICIARY

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices. The legislature may establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions. *The legislature may, by general law, authorize a military court martial to be conducted by military judges of the Florida National Guard, with direct appeal of a decision to the District Court of Appeal, First District.*

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. *The supreme court shall adopt rules to allow the court and the district courts of appeal to submit questions relating to military law to the federal Court of Appeals for the Armed Forces for an advisory opinion.* 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; ~~and~~ ~~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 *that his* ~~his~~ respective circuit.

SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of *the* ~~his~~ original appointment

or election. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

SECTION 8. Eligibility.—No person shall be eligible for office of justice or judge of any court unless *the person he* is an elector of the state and resides in the territorial jurisdiction of *the his* court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which *he* has *been* served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless *the person he* is, and has been for the preceding ten years, a member of the bar of Florida. No person is eligible for the office of circuit judge unless *the person he* is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, no person is eligible for the office of county court judge unless *the person he* is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if *the person he* is a member in good standing of the bar of Florida.

SECTION 10. Retention; election and terms.—

(a) Any justice of the supreme court or any judge of a district court of appeal may qualify for retention by a vote of the electors in the general election next preceding the expiration of *the justice's or judge's his* term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice of the supreme court or a judge of a district court of appeal so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years commencing on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

SECTION 11. Vacancies.—

(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~~.

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

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

SECTION 20. Schedule to Article V.—

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

(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 *that person 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.

(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 said chief judge shall direct the court to sit in the location unless *the chief judge 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.

(d) When this article becomes effective:

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

(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 *the his* office for the remainder of *the his* term.

ARTICLE VII FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

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

ARTICLE IX EDUCATION

SECTION 5. Superintendent of schools.—In each school district there shall be a superintendent of schools *who He* shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law. The resolution or special law may be rescinded or repealed by either procedure after four years.

ARTICLE X MISCELLANEOUS

SECTION 3. Vacancy in office.—Vacancy in office shall occur upon the creation of an office, upon the death, ~~of the incumbent or his~~ removal from office, *or resignation of the incumbent or the incumbent's*, succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

SECTION 4. Homestead; exemptions.—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(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 *the owner's his* family;

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

ARTICLE XI
AMENDMENTS

SECTION 2. Revision commission.—

(a) Within thirty days *before the convening of the 2017* ~~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 speaker of the house of representatives and nine members selected by the president of the 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 ~~chair~~ *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 ~~chair~~ *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 6. Taxation and budget reform commission.—

(a) Beginning in ~~2007~~ *1990* and each ~~twentieth~~ *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 speaker of the house of representatives and seven members selected by the president of the 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 a member of the minority party in the 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 president of the 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 ~~chair~~ *chairman* and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the ~~chair~~ *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), a concurrence of a majority of the members appointed by the speaker of the 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 ~~twenty 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.

Revision 10 as engrossed was adopted by the required 22 votes and recommitted to the Style and Drafting Committee. The vote on final adoption was:

Yeas—34

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

Nays—None

MOTIONS

On motion by Commissioner Barkdull, the Style and Drafting Committee was authorized to review the Commission's final document and make necessary title amendments, technical and grammatical corrections that do not change the substance of any proposal, prior to delivery to the Secretary of State.

On motion by Commissioner Mills, the rules were waived and the revisions were placed on the ballot in the following order: Natural Resources Conservation, Education, Judiciary/State Courts, Cabinet Restructure, Basic Rights, Local Government, Elections, Firearms and Miscellaneous.

On motion by Commissioner Smith, the rules were waived to allow that the order the revisions are placed on the ballot may be changed at the next meeting by a vote of 22 members of the Commission. The vote was:

Yeas—31

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

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 17 was corrected and approved.

RECESS

On motion by Commissioner Barkdull, the Commission recessed at 5:17 p.m. for the purpose of holding committee meetings and conducting other Commission business to reconvene at 9:00 a.m., Tuesday, May 5, 1998.

PAGES

March 23, 1998

Moe Dewitt, Orlando; Craig Henderson, New Smyrna Beach; Christine Kretschman, Tallahassee; Jacinta Camille Mathis, Orlando; Laurel McDaniel, Tallahassee; Brandon Miller, Orlando; Bonita Thomas, Orlando

**CONSTITUTION REVISION COMMISSION
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TALLAHASSEE, FLORIDA 32399-1300**