



# Journal of the Senate

Number 30

Tuesday, May 5, 1998

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## CALL TO ORDER

The Commission was called to order by the Chairman at 9:24 a.m. A quorum was present—36:

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

## PRAYER

The following prayer was offered by Rev. Doug Dortch, First Baptist Church, Tallahassee:

Let's bow together for prayer. Our father and our God, we're grateful for this day, and for the gift of life. We gather this morning to acknowledge you as the giver also of the perfect law of life and liberty. You teach us that you would have everything done decently and in order. And I thank you this morning for these men and women who have given of themselves over this last year to ensure that in our state we do things in accordance with your will. They gather this morning with a sense of celebration and relief but also with still business to be done. So we pray that as you are present this morning that you would be with them, that you would guide their deliberations, that you would cause a sense of consensus to permeate in this place among each individual as together the report and recommendations add to the quality of life for all Floridians and that in some way, by what they are about, your will might be done and your kingdom may come here in Florida. As it always is in heaven. So we pray. Amen

## PLEDGE

Courtney and Christopher Corr; Ariana and Carlos Samuel Alfonso; Austin and Wells Buzzett; Jacinta Camille and Elliott Mathis; and Susan Evans led the Commission in the pledge of allegiance to the flag of the United States of America.

## SPECIAL STAFF RECOGNITION

**Chairman Douglass:** The Commission could not have conducted its work without the generous help and support of the Florida Senate. To them we owe a great deal of gratitude and a sincere thank you to Senate President Toni Jennings. Her staff has been more than accommodating and served this Commission just as it serves the Senate—professionally with style and grace. Thank you, President Jennings.

The Senate Staff has been directed by Faye Blanton, who followed us and assisted us in our work through the public hearings and during our

meetings here in Tallahassee. Thank you, Faye. We also are appreciative of the work done by the staff of the Senate's Sergeant at Arms, Wayne Todd. Thank you, Wayne.

I'd like to recognize every member of those staffs who have assisted us in this process. I apologize in advance for anyone I have overlooked on this list.

Members of the Senate Secretary's Staff who worked with the Constitution Revision Commission include: *Front Office*—Debbie Brown, Evelyn Harrell, Bonnie Varble and Lisa Wiggins; *Calendar and Filing*—Gary McKenzie; *Copy Rooms*—Bill McCully and Mike Thurmond; *Distribution Center*—Charlie Frier; *Documents*—Ericka Ford; *Journal*—Linda Hamilton, Shirley Joyce, Jane Raker, Geri Copeland, Adele Mortimer, Joe Gaule, Joline Groot and Jenny Hager; *Engrossing and Enrolling*—Jhonnie Gillispie, Courtney Christian, Marjorie Perkins, Anne Black, Laura Wiggins, Marian Dunlap and Louise Bolin; *Legal Research and Drafting*—Robert Kennedy, Jan Blue, Don Boggs, Maryann Carter, Jim Griner, Charlotte Kerce, Bob Lester, Norma McKee, Joan Macmillan, Gloria Merritt, Mary Ellen Mockbee, Carrie Riley, Jeanne Ruppert and Bill Ryan; *Print Shop*—Art Reddick, Brenda Cody, Shirley Coyle, Scooter Duncan, Jessie Henderson, Davie Rabon, Laverne Rudd, Mike Stallings and Richard Trevathan; *Reading Clerks*—Will Lindsley and Nicki Wilson; *Sound Booth*—Carol Snider; and *Photography*—Paulette Lowry; members of the Senate Committee Staff—Curtis Austin, Brenda Barineau, David Beggs, Patty Blackburn, Sarah Jane Bradshaw, John Guthrie, Linda Harkey, Glenda Ingram, Lori Ivarson, Barbara Jordan, Donna Kerce, Greg Krasovsky, Glenn Lang, Sue Mitchell, Beth Presnell, Diane Vause, Wayne Voigt, Linda West, Beverly Whiddon, Ray Wilson and Tom Yeatman; members of the Senate Sergeant at Arms' staff—Chris Carter, Terry Darsaw, Jeff Fleming, Tommy Hunt, Joey Matthews, Donald Severance, Josh Stephens and Chris Vowell; members of the staff of the Division of Administrative Hearings Court Reporters—Kristen Bentley, Julie Doherty and Mona Whiddon.

The Commission's work was coordinated and steered by a hard-working and dedicated staff who also deserve special recognition: Billy Buzzett, Executive Director; Debby Kearney, General Counsel; Suellen Cone and Lynn Imhof, Executive Assistants; Debbie Ben-David and Cris Martinez, Attorneys; Ron Morris, Communications Director; Michelle Taylor, Web-site Coordinator; Evan Broysko, Sheila Carpenter, Kyle Mitchell, Monica Richter and Scott Smith, Interns.

I sincerely appreciate the contributions of each member of our staff.

## REPORTS OF COMMITTEE

The Style and Drafting Committee submitted the following report containing the final grouping and ballot language for submission to the Secretary of State.

*Honorable Sandra B. Mortham*  
Secretary of State  
The Capitol  
Tallahassee, Florida 32399-0250

May 5, 1998

Dear Secretary Mortham:

The Constitution Revision Commission, pursuant to Article XI, Section 2 of the Florida Constitution, herewith submit its proposed revision of the 1968 Constitution, as subsequently amended, to the electors for their approval or rejection at the general election in November 1998.

The proposed revision of the Constitution, as well as the ballot language and order, have been adopted by the Constitution Revision Commission in accordance with the Constitution and the Commission's rules. The proposed revision is divided into nine parts in accordance with nine

separate ballot items. A number has been assigned to each one, and they are listed in the order in which they will be placed on the ballot.

Respectfully submitted,

#### 1997-98 CONSTITUTION REVISION COMMISSION

<i>s/Dexter Douglass, Chairman</i>	<i>s/Carlos J. Alfonso</i>
<i>s/Clarence E. Anthony</i>	<i>s/Antonio L. Argiz</i>
<i>s/Thomas H. Barkdull, Jr.</i>	<i>s/Martha Walters Barnett</i>
<i>s/Pat Barton</i>	<i>s/Robert M. Brochin</i>
<i>s/Robert A. Butterworth</i>	<i>s/Kenneth L. Connor</i>
<i>s/Chris Corr</i>	<i>s/Ander Crenshaw</i>
<i>s/Valerie W. Evans</i>	<i>s/Marilyn Evans-Jones</i>
<i>s/Barbara Williams Ford-Coates</i>	<i>s/Ellen Catsman Freidin</i>
<i>s/Paul M. Hawkes</i>	<i>s/William Clay Henderson</i>
<i>s/Toni Jennings</i>	<i>s/Gerald Kogan</i>
<i>Richard H. Langley</i>	<i>s/John F. Lowndes</i>
<i>s/J. Stanley Marshall</i>	<i>s/Jacinta Mathis</i>
<i>s/Jon Mills</i>	<i>s/Frank Morsani</i>
<i>s/Robert Lowry Nabors</i>	<i>s/Carlos Planas</i>
<i>s/Judith Byrne Riley</i>	<i>s/Katherine Fernandez Rundle</i>
<i>s/James A. Scott</i>	<i>s/HT Smith</i>
<i>s/Alan C. Sundberg</i>	<i>s/James Harold Thompson</i>
<i>s/Paul West</i>	<i>s/Gerald T. Wetherington</i>
<i>s/Stephen Neal Zack</i>	<i>Ira H. Leesfield, Alternate</i>

Lyra Blizzard Logan, Alternate  
 ATTEST: *s/Faye W. Blanton, Secretary*

#### 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 the Game and Fresh Water Fish Commission and the Marine Fisheries Commission; removes legislature's exclusive authority to regulate marine life and grants certain powers to new commission; authorizes bonds to continue financing 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 purposes of management, protection, and conservation of wild animal life and fresh water aquatic life.

*Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes 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 the governing board.

#### 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 fresh water fish commission shall be abolished.

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

#### 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; expands constitutional mandate requiring the state to make adequate provision for a uniform system of free public schools by also requiring the state to make adequate provision for 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, there-

fore, 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.

#### REVISION 3

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

#### LOCAL OPTION FOR SELECTION OF JUDGES AND FUNDING OF STATE COURTS

Provides for future local elections to decide whether to continue electing circuit and county judges or to adopt system of appointment of those judges by governor, with subsequent elections to retain or not retain those judges; provides election procedure for subsequent changes to selection of judges; increases county judges' terms from four to six years; corrects judicial qualifications commission term of office; allocates state courts system funding among state, counties, and users of 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 the justice's or judge's 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 approves 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 approves 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 secretary of state 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 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, 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.*

REVISION 4

Article II, s. 8(h)(1);  
Article III, ss. 8(b), 16(b) and (f), 19(f)(3);  
Article IV, ss. 3(b), 4, 7(a), and 8(a);  
Article VIII, s. 1(I); Article IX, s. 2;  
Article XI, ss. 2(c), 3, 4, 5(a), and 6(e);  
Article XII, ss. 9(c)(5) and 22

Merges cabinet offices of treasurer and comptroller into one chief financial officer; reduces cabinet membership to chief financial officer, attorney general, agriculture commissioner; secretary of state and education commissioner eliminated from elected cabinet; secretary of state duties defined by law; changes composition of state board of education from governor and cabinet to board appointed by governor; board appoints education commissioner; defines state board of administration, trustees of internal improvement trust fund, 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.

## 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, the governor 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 APPORTIONMENT; 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.

(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.

## 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 the governor's 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)(f)~~ The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

~~(e) 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).~~

~~(f) 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.*

(g) *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) 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.

### 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.

(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."

(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 22. Executive branch reform.—

(a) 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.

(b) In the event the secretary of state is removed as a cabinet office in the 1998 general election, the term "custodian of state records" shall be substituted for the term "secretary of state" throughout the constitution and the duties previously performed by the secretary of state shall be as provided by law.

REVISION 5  
Article I, s. 2

BASIC RIGHTS

Defines "natural persons," who are equal before the law and who have inalienable rights, as "female and male alike;" provides that no person shall be deprived of any right because of national origin; changes "physical handicap" to "physical disability" as a reason that people 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.

REVISION 6  
Article VII, s. 3(a),(f) and (g); 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; removes limitations on citizens' ability to communicate with local 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.

(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.

REVISION 7  
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 ballot access requirements for independent and minor party candidates cannot be greater than requirements for majority party candidates; allows all voters, regardless of party, to vote in any party's primary election if 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 state-wide office.—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide 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 pursuant 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.

#### REVISION 8 Article VIII, s. 5

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

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 3 to 5-day waiting period, 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 by general law shall not be subject to the provisions of this subsection when purchasing a firearm.*

#### REVISION 9

Article I, ss. 4, 9, 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, ss. 4(b) and 6(b);

Article IX, s. 5;

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

Article XI, ss. 2 and 6

#### MISCELLANEOUS MATTERS AND TECHNICAL REVISIONS

Removes gender-specific references; allows prison sentences in court-martial actions; consolidates ethics code provisions; specifies time for veto message consideration; clarifies that legislature gives designated officials final general appropriations bills 72 hours before 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 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against ~~oneself~~ ~~himself~~.

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* ~~his~~ 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. 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 (I)(1) ~~(h)(1)~~.

(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 of court 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 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 *the governor 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 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax *purposes* ~~purposes~~, or may be exempted from 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.

On motion by Commissioner Mills, the report of the Style and Drafting Committee was adopted.

The vote was:

Yeas—36

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

Nays—None

#### STATEMENT OF INTENT REGARDING ARTICLE V, SECTION 14

A. Section 14(a). Section 14(a) requires the state to fund the state courts system, state attorneys' offices, public defenders' offices and court-appointed counsel, except as provided in subsection (c). It is the intent of the proposers that the state be primarily responsible for funding the state courts system, state attorneys' offices and public defenders' offices, and wholly responsible for funding court-appointed counsel and related costs necessary to ensure the protection of due process rights. Subsection (a) requires the state to:

- (1) Provide all funding for the state courts system, except as provided in subsection (c). As used in section 14, it is the intent of the proposers that the term "state courts system" be construed to mean the supreme court, district courts of appeal, circuit courts, county courts as well as any additional courts hereafter constitutionally created, and all divisions thereof. The state's obligation includes, but is not limited to, funding for all core functions and requirements of the state courts system and all other court-related functions and requirements which are state-wide in nature. It is further the intent of the proposers that the state fund all salaries, costs and expenses of the state courts system necessary to ensure the rights of people to have access to a functioning and efficient judicial system. The state's funding obligation pursuant to subsection (a) includes, but is not limited to, funding for justices, judges, judicial assistants, law clerks, court administrators, and their respective staffs and related costs including, but not limited to, office expenses and equipment, telephone services, operating costs, legal research, information technology resources except as provided in subsection (c), transportation and travel. The state shall continue to provide all funding for construction or lease, utilities, mainte-

nance and security of facilities for the supreme court and district courts of appeals;

- (2) Provide all funding for salaries, expenses and costs of the state attorneys' offices, public defenders' offices, except as provided in subsection (c), and court-appointed counsel including, but not limited to, office expenses and equipment, telephone services, operating costs, legal research, information technology resources except as provided in subsection (c), transportation and travel. As used in section 14, court-appointed counsel means counsel appointed in criminal and civil proceedings;
- (3) Provide all necessary funding for court reporting/recording and transcripts, deposition costs, experts and other witnesses, consultants, interpreters, investigative services, mental health, scientific, medical or other necessary testing services and evaluations as required by the state attorneys, public defenders and indigent litigants, and all funding necessary to provide a trial guaranteed by either the United States Constitution or the Constitution of the State of Florida; and
- (4) Provide any other funding that may be required by the United States Constitution or the Constitution of the State of Florida for the administration of justice.

It is further the intent of the proposers that the legislature ensure that the state courts system as well as appropriations for costs that must be incurred to ensure the rights of people under the United States Constitution or the Constitution of the State of Florida are protected from the across-the-board reductions which have been the traditional response to revenue shortfalls. The proposers also recognize that costs necessary to ensure due process rights including, but not limited to, court-appointed counsel, expert witness fees, court reporting services, and court interpreters can vary unpredictably from year to year. Given this reality, it is the intent of the proposers that the legislature adopt a procedure to provide adequate supplemental funding for the state courts system, state attorneys and public defenders in the event that appropriations in a given year, notwithstanding diligent efforts to achieve efficiencies, are insufficient.

B. Section 14(b). Section 14(b) provides that all funding for the offices of the clerks of the circuit and county courts performing court-related functions shall, except as otherwise provided in subsections (b) and (c), be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions (hereinafter "filing fees, service charges and costs") which are collected and retained by the offices of the clerks of the circuit and county courts. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees, service charges and costs sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, subsection (b) requires the state to provide adequate and appropriate supplemental funding from state revenues appropriated by general law.

It is the intent of the proposers that the legislature, when developing the schedule of filing fees, service charges and costs, adopt: (1) a procedure to fund the offices of the clerks of the circuit and county courts when filing fees, service charges and costs are insufficient to cover the court-related salaries, costs and expenses of the offices of the clerks of the circuit and county courts in a given fiscal year; and (2) a procedure for the disposition of filing fees, service charges and costs retained by the offices of the clerks of the circuit and county courts which, at the end of any fiscal year, exceed the court-related salaries, costs and expenses of the offices of the clerks of the circuit and county courts during the preceding fiscal year.

It is further the intent of the proposers that the legislature, when developing the schedule of reasonable and adequate filing fees, service charges and costs, review the court-related operations of the offices of the clerks of the circuit and county courts and make an independent determination as to what should be the reasonable cost to perform the court-related operations of the clerks' offices. The drafters of subsection (b) recognize that there currently exists significant disparities among what the various clerks' offices spend to perform the same functions. The determination by the legislature as to the appropriate level of spending should not entail an acceptance of the current level of spending by the clerks' offices throughout the state to perform court-related functions. Rather, it is the intent of this proposal that the clerks be held account-

able and responsible to a cost standard which is independently established by the legislature.

Subsection (b) also provides that 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. In this regard it is intended that the legislature provide certain types of funding for the state courts system from appropriate filing fees, service charges and costs. Some examples of current revenue streams to the state courts of this nature include civil fees that go into the Court Education Trust Fund and the Mediation and Arbitration Trust Fund or local option fees used for purposes not inconsistent with other provisions of the proposed amendment.

C. **Section 14 (c).** Section 14 (c) provides that no county or municipality shall, except as provided in subsection (c), be obligated 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 performing court-related functions. Pursuant to subsection (c), counties are required to fund the following costs:

- (1) **Communication services.** Subsection (c) requires counties to fund the costs of communications services. It is the intent of the proposers that communications services be limited to reasonable and necessary data communications-related cabling, hardware and software, and telephone system equipment and infrastructure not inconsistent with that utilized by each county within a given judicial circuit;
- (2) **Existing radio systems.** The counties' obligation to pay for radio systems is limited to those multi-agency radio systems in existence and funded by the counties on the date of adoption of this amendment;
- (3) **Existing multi-agency criminal justice information systems.** With the exception of existing multi-agency criminal justice information systems in existence or being implemented on the date of adoption of this amendment and currently funded by counties, counties are not obligated to fund information systems. As used herein, a multi-agency criminal justice information system means network cabling, hardware and software infrastructure required for efficient and effective support and integration of information system, and the applications within which this information resides, serving elements of the criminal justice system at the local level in each county or judicial circuit;
- (4) **Construction or lease, maintenance, utilities and security of facilities.** Subsection (c) requires counties to fund the cost of adequate and necessary construction or lease, maintenance, utilities and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and offices of the clerks of the circuit and county courts. As used in subsection (c), it is the intent of the proposers that:
  - (a) "utilities" be limited to fuel, water and electricity;
  - (b) "maintenance" be interpreted to mean preventative and corrective facility renovation, repair and upkeep, custodial services and waste collection services. Service levels shall not be less than those provided by each county for its own services and programs;
  - (c) "construction" shall include land acquisition, planning and design costs; construction costs for new facilities, the renovation or refurbishment of existing facilities, cabling or wiring for communications and technology, and fixtures and furnishings which are appropriate and customary for courtrooms, hearing rooms, jury facilities and other public areas in courthouses; and
  - (d) "security" shall mean all personnel, equipment and other costs reasonably necessary to secure the public and court-related personnel in leased and county-owned facilities for the trial courts, state attorneys, public defenders, and clerks of the circuit and county courts performing court-related functions; and
- (5) **Local Requirements.** Subsection (c) also requires counties to pay for the reasonable and necessary salaries, costs and ex-

penses of the state courts system to meet local requirements. A local requirement exists where there are special circumstances in a given circuit or county which have resulted in or necessitate implementation of specialized programs or the commitment of resources which would not generally be required in other circuits such as where a county adopts a local program, enacts a local ordinance or pursues extraordinary activities which have a substantial financial or operational impact upon a given circuit. Examples may include, but are not limited to, specialized support personnel, staffing and resources for video arraignments, pretrial release programs or misdemeanor probation. Core functions and requirements of the state courts system and other court-related functions and requirements which are statewide in nature cannot be local requirements. Further, it is the intent of the proposers that any function or requirement of the state courts system which is mandated by general law of statewide application cannot be a local requirement.

The proposers recognize that over the years the counties have borne an increasingly large proportion of the costs of the state courts system as well as other costs such as court-appointed counsel, witness fees and court reporting services because of, among other reasons, shortfalls in revenue at the state level. It is the intent of the proposers that local needs which are caused by reduced or inadequate allocations by the state for the state courts system, either as a result of a decrease in the dollars allocated, an insufficient increase in the dollars allocated or a percentage reduction relative to other statewide allocations, do not create local requirements.

Alan C. Sundberg  
Jon L. Mills

#### **STATEMENT OF INTENT REGARDING CONSERVATION OF NATURAL RESOURCES AND CREATION OF FISH AND WILDLIFE CONSERVATION COMMISSION**

The Constitution Revision Commission has given final action to Revision I entitled Conservation of Natural Resources and Creation of Fish and Wildlife Conservation Commission. The proposed revision is made up of four sections:

Section I amends the Natural Resources Clause of the Florida Constitution found at Article II Section 7(a). It would require that adequate provision shall be made by law for the conservation and protection of natural resources. The intent of the drafters was to include more contemporary language in the clause. The clause is directive and not self executing.

Section 2 amends Article IV Section 9 to convert the Game and Fresh Water Fish Commission into the Fish and Wildlife Conservation Commission creating a constitutional agency with regulatory and executive authority for the protection of fish and wildlife.

The section is drafted with Article IV Section 9 as the base document. The purpose is to make clear that no change in the authority or jurisdiction of the Game and Fresh Water Fish Commission is being contemplated. In addition, new language makes clear that expansion of the jurisdiction of the commission is not intended to create a new regulatory program.

The proposal changes the name from the Game and Fresh Water Fish Commission to the Fish and Wildlife Conservation Commission. This is not a substantial change, but a recognition that the agency will be responsible for both fresh water and salt water fisheries.

The proposal enlarges the jurisdiction of the commission to include "marine life." It is the express intent of the drafters to use this term as it is used in Chapter 370, Fla. Stat. as the authority of the Board of Trustees as delegated to the Marine Fisheries Commission. As used in Section 370.027, Fla. Stat., the term "marine life" excludes "marine endangered species" such as manatees and marine sea turtles. These animals are currently regulated by Section 372.12, Fla. Stat. under the authority of the Department of Environmental Protection.

The proposal enlarges a requirement to "assure adequate due process in the exercise of its regulatory and executive functions." Currently, the provisions of the Administrative Procedure Act (APA) have limited application to the Game and Fresh Water Fish Commission. Section

120.52, Fla. Stat. provides that the APA is applicable to agency action of the Game Commission when acting on jurisdiction based upon legislative authority. However, the APA is not applicable when the Game Commission is acting pursuant to its constitutional authority. The new provision would require the commission to adopt procedures to provide notice and opportunity to be heard. In addition, any new authority given to the commission by the legislature would also be subject to the APA. This provision greatly increases citizen access to the new commission.

The proposal limits legislative power by providing "there shall be no special law or general law of local application pertaining to hunting or fishing." This is a one word change from Art. III Section 11(19) which says there shall be no special law pertaining to "fresh water" fishing. The legislature will no longer have the authority to adopt local bills relating to salt water fishing.

The section requires that the new commission will continue, like the Game Commission, to be a separate independent agency. The proposal provides, "The commission shall not be a sub unit of any other state agency and shall have its own staff which includes management, research, and enforcement." While this is new language, it is not a change in the current reality of the Game Commission.

An amendment to the Schedule Article XII provides for the orderly transition from the Game Commission and Marine Fisheries Commission to the new Fish and Wildlife Conservation Commission. The Schedule makes clear the limited intention of the proposal to combine the responsibilities of the two into a single independent agency.

A question has been raised by the Department of Environmental Protection concerning the scope of this proposal. In addition to the Marine Fisheries Commission, DEP administers a number of other marine related programs like the Florida Marine Patrol, research facilities, and manatee and marine sea turtle programs. None of these programs are addressed by the proposal. It is contemplated that the existing language in Art. 4 Section 9 will allow the legislature to address these issues in later years. The current language provides, "The legislature may enact laws in aid of the commission, not inconsistent with this section."

Section 3 amends Article VII Section 11(e) to create bond authority for acquisition and improvement of land, water areas, and related property interests for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation. This section, now referred to as Florida Forever, will create a new conservation land acquisition program to succeed Preservation 2000.

This section addresses the bond limitation in Article XII Section 17 which is carried forward from the 1885 Constitution. The section authorizes bonds for land acquisition and outdoor recreation development

through the Land Acquisition Trust Fund as authorized in 1963 for a period of 50 years. These bonds have been used to fund the Preservation 2000 Program Section 259.101, Fla. Stat. The proposal enlarges current authority by allowing water areas, water resource development, restoration of natural systems, and historic preservation.

Section 4 creates Article X Section 18 to place restrictions on disposition of conservation lands. The proposal requires that when real property is held by the state and designated for natural resources conservation, that it shall be unmanaged for the benefit of the citizens of the state and may be disposed of only by 2/3 vote of the governing board of the agency holding title after a determination that the property is no longer needed for conservation purposes.

This section is similar but different from Article X Section 11 relating to sovereign lands which creates the Public Trust doctrine for public lands. The new standard would place into the constitution the requirements of the Preservation 2000 bond program that lands acquired with such funds may only be disposed of when they are no longer required for the purposes for which they were acquired or that it "no longer needs to be preserved." Currently, statutory law also requires a vote of 5 of 7 trustees to dispose of property.

Clay Henderson

#### COMMITTEE APPOINTED

Chairman Douglass appointed the following commissioners to serve on the Committee for Public Education: Commissioner Mills, Chairman; Commissioner Lowndes, Vice Chairman; Commissioners Alfonso, Barkdull, Freidin, Kogan and Smith.

#### REMARKS

Chairman Douglass and Commissioners Sundberg, Morsani, Barkdull, Henderson, Riley, Smith, Evans, Planas, Anthony, Mathis, Alfonso, Mills, Scott, Marshall, Zack, Evans-Jones, Connor and Kogan made closing remarks regarding the work of the Commission.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 23 was corrected and approved.

#### ADJOURNMENT

On motion by Commissioner Barkdull, the final meeting of the Constitution Revision Commission adjourned to reconvene upon the call of the Chairman or to expire sine die upon the date of the 1998 general election.

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**CONSTITUTION REVISION COMMISSION  
B-11 HISTORIC CAPITOL  
400 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32399-1300**