

**Reference:**

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

**Ballot Title:**

Miscellaneous Matters and Technical Revisions

**Ballot Summary:**

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.

**Full Text:**

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.--

- a. 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.