# PROPOSED CONSTITUTIONAL AMENDMENTS TO BE VOTED ON NOVEMBER 8, 1966

NOTICE OF GENERAL ELECTION WHEREAS, the Legislature of 1965, under the Constitution of 1885 of the State of Florida, did pass Joint Resolutions proposing amendments to the Constitution of the State of Florida, and they were agreed to by a vote of three-fifths of the members elected to each house. The votes of said Joint Resplutions were entered upon their respective Journals, with the yeas and nays thereon, and they did determine and direct that the said Joint Resolutions be submitted to the electors of the State of Florida at the General Election on November 8, 1966.

THEREFORE, I, TOM NOW. ADAMS, Secretary of State of the State of Florida, do hereby give notice that a

GENERAL ELECTION will be held in each County in Florida on the first Tuesday after the first Monday in November, which date is November 8, 1966. for the ratification or rejection of the said Joint Resolutions proposing amendments to the Constitution of the State of Florida, viz:

# NO. 1 SENATE JOINT RESOLUTION NO. 115

A JOINT RESOLUTION proposing an amendment to Article XVII, section 2 of the constitution of Florida; providing that revision of the constitution as adopted by convention shall be submitted to the electors at the next general election.

BE IT RESOLVED by the Legislature of the State of Florida:

That article XVII, section 2 of the Florida constitution be amended as set forth below and that said resolution be submitted to the electors of Florida for ratification or rejection at the general election to be held in

November, 1966.

Section 2-If at any time the legislature, by a vote of two thirds of all members of both houses shall determine that a revision of this constitution is necessary, such determination shall be entered upon their respective journals, with the yeas and nays thereon. Notice of said action shall be published weekly in one newspaper in every county in which a newspaper is published, for three (3) months preceding the next general election of representatives, and in those counties where no newspaper is published, notice shall be given by posting at the several polling precincts in such counties for six (6) weeks next preceding said election. The electors at said election may vote for or against the revision in question. If a majority of the electors so voting be in favor of revision, the legislature chosen at such election shall provide by law for a convention to revise the constitution and shall provide for the conduct and rules of such convention. The convention shall be held within six (6) months after passage of the law, providing for the convention. Delegates to the convention shall equal in number and be apportioned among the various counties as the membership of the house of

BE IT RESOLVED by the Legislature of the State of Florida:

That Article VI, Section 1 of the Florida Constitution be amended as set forth below and that said resolution be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1966:

SECTION 1. Electors.—Every person of the age of twenty-one (21) years and upward that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one (1) year and in the county for six (6) months, shall in such county be deemed a qualified elector at all elections under this constitution. Provided however, the legislature may provide for voting in national elections for president and vicepresident of the United States by persons who have become residents of the State of Florida but who have not yet fulfilled the residency requirements of electors.

NO. 4 SENATE JOINT RESOLUTION NO. 433

A JOINT RESOLUTION proposing an amendment of article XVI, section 12, of the constitution of the state of Florida; providing for the seal; providing for the state flag; providing for submission to the electors.

Whereas, the description of the state flag presently in use was placed in the constitution in 1900, and

Whereas, since that time the sizes and proportions used in the flags of the United States and the several sovereign states have been modified, and

Whereas, it is desirable that the flag of the great and sovereign state of Florida maintain its place with the flags of the other states, this nation and the world without being disproportionate in size, Now, Therefore,

BE IT RESOLVED by the Legislature of the State of Florida:

That article XVI, section 12, of the constitution of the state of Florida be amended as follows, is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the general election of November, 1966:

Section 12. Seal of State of Florida; state flag.—The present seal of the state shall remain the seal of the state of Florida. The state flag shall conform with standard commercial sizes and be of the following proportions and description: The seal of the state, of diameter one-half the hoist, in the center of a white ground. Red bars in width one-fifth the hoist extending from each corner toward the center, to the outer rim of the seal.

# COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION

NO. 1987 A JOINT RESOLUTION proposing an amendment to article VIII of the constitution providing for the consolidation of municipal and

hereinabove created, they may do so by majority vote of the electors of said municipality voting in an election upon said issue.

c. The creditors of any governmental unit consolidated or abolished under this section shall be protected. Bonded or other indeptedness existing at the effective date of any government established hereunder shall be enforceable only against the real and personal property theretofore taxable for such purposes.

d. Such other provisions as might be required by law.

(5) The provisions of such charter and ordinances enacted pursuant thereto shall not conflict with any provision of this constitution nor with general, special or local laws now or hereafter applying to Hillsborough county.

(6) The government established hereunder shall be recognized as a county, that is one of the legal political subdivisions of the state with the powers, rights, privileges, duties and obligations of a county, and may also exercise all the powers of a municipality. Said government shall have the right to sue and be sued

(7) Any government established hereunder shall be entitled to receive from the state of Florida or from the United States or from any other agency, public or private, funds and revenues to which a county is, or may hereafter be entitled, and also all funds and revenues to which an incorporated municipality is or may hereafter be entitled, and to receive the same without diminution or loss by reason of any such government as may be established. Nothing herein contained shall preclude such government as may be established hereunder from receiving all funds and revenues from whatever source now received, or hereinafter received provided by law.

(8) The board of county commissioners of Hillsborough county shall be abolished when the functions, duties, powers and responsibilities of said board shall be transferred in the manner to be provided by the charter to the government established pursuant to this section. No other office provided for by this constitution shall be abolished by or pursuant to this section.

(9) This section shall not restrict or limit the legislature in the enactment of general, special or local laws as otherwise provided in this constitution.

(10) Should this resolution be rejected by the electors of Hillsborough county then this resolution shall be null and void.

# HOUSE JOINT RESOLUTION NO. 175

A JOINT RESOLUTION proposing the addition of subsection (4) to section 7 of Article V of the state constitution, to authorize the legislature to require county judges to be members of the Florida bar in counties by special acts subject to referendum.

BE IT RESOLVED by the Legislature of the State of Florida:

tions to be numbered by the secretary of state, to provide a procedure for the selection, discipline, retirement and removal of any justice of the supreme court, judge of a district court of appeal, and judge of a circuit court; providing an effective date.

BE IT RESOLVED by the Legislature of the State of Florida:

That an amendment to Article V of the Florida Constitution by adding the sections set forth below to be numbered by the Secretary of State is agreed to and that said amendment be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1966:

SECTION ... Appointment and election of justices and certain judges.—

(1) No person shall be eligible for the office of justice of the supreme court or judge of a district court of appeal unless he is a citizen of this state, and unless he is, and for a period of ten (10) years has been, a member of the Florida bar; and no person shall be eligible for the office of judge of a circuit court unless he is a citizen of this state and unless he is, and for a period of five (5) years has been, a member of the Florida bar. The judges of other courts shall be citizens of this state and residents of the county served. Any senator or member of the house of representatives otherwise qualified shall be eligible for appointment or election to any judicial office, notwithstanding that it may have been created or its emoluments increased during the time for which he was elected.

SECTION—. Discipline, retirement and removal of justices and

certain judges .-

(1) Except as it provides for mandatory retirement, this section shall apply to every justice of the supre-me court and judge of the district courts of appeal and circuit courts. It shall be the sole method of disciplining, automatically or involuntarily retiring or removing such justices or judges, provided that all such justices or judges shall be liable to impeachment for any misdemeanor in office. All justices and judges shall automatically retire at age seventy (70) except those who held any judicial office on July 1, 1957; provided, however, that such mandatory retirement shall not prohibit a justice or judge from serving the entire term to which he was appointed or elected if he attains his 70th birthday after serving at least one-half of such term.

(2) There shall be a judicial qualifications commission composed of:

(a) Two (2) judges of the district courts of appeal appointed by the judges of those courts two (2) circuit court judges appointed by the judges of those courts.

(b) Two (2) members of the Florida bar, who shall have practiced law in this state for at least eight (8) years, appointed by the board of governors of the Florida bar; and

(c) Three (3) citizens, each of whom shall have been a resident thirds (2-3) of his then compensation if he has served for ten  $(\bar{10})$  years or more as justice or judge of such court or courts. Upon an order for removal, the justice or judge shall thereby be removed from office, and his salary shall cease from the date of such order. The supreme court shall make rules providing for the procedure before the commission and the referees and the extent to which communications shall be privileged or confidential, provided that upon the entry of an order of discipline, removal or retirement the record shall no longer remain confidential. A justice or judge shall be disqualified in any proceeding involving his own discipline, retirement or removal. The supreme court shall by rule provide for the disqualification of any member of the commission or referee and for the ad hoc appointment of a person to take the place of a disqualified person.

(4) In the event a judge is removed from office, his judicial service shall not provide immunity from disciplinary proceedings for professional misconduct performed during his term of office or prior thereto.

## NO. 9 SENATE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION proposing an amendment to Section 9C of Article V of the Florida Constitution to provide for separate offices of the State Attorney of the Thirteenth (13th) Judicial Circuit and Prosecuting Attorney or County Solicitor of the Criminal Court of Record of Hillsborough County; providing for appointment of assistants and prescribing duties and powers; providing for apportionment of appropriated funds by County Commissioners; providing that informations now pending shall not be invalidated; providing an effective date.

BE IT RESOLVED by the Legislature of the state of Florida:

Section 1. That the amendment to Section 9C of Article V of the Florida Constitution as set forth below is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November,

ARTICLE V

Section 9C. Hillsborough County. offices of the State Attorney and County Solicitor.—On and after the first Tuesday after the first Monday in January, 1969, there shall be a Prosecuting Attorney of the Criminal Court of Record of Hillsborough County to be known as County Solicitor who shall be a separate official elected for a term of four (4) years by the qualified electors of the County as other state and county officials are elected and whose compensation shall be fixed by law. Said County Solicitor shall perform the functions and duties of a County Solicitor in the Criminal Court of Record of Hillsborough County, Florida, as prescribed by law in all noncapital felony cases and other lesser offenses in said Court's jurisdiction.

Orange County to revise the boundaries of any justice of the peace district in Orange County without referendum upon resolution, public hearing, and published notice of the same; providing that no existing justice of the peace district shall be dissolved except as otherwise provided by law. BE IT RESOLVED by the Legisla-

ture of the State of Florida:

That the amendment set forth below to Article V of the State Constitution by adding a new section to be numbered by the secretary of state is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the next general election to be held in November, 1966:

Orange county; SECTION——. boundaries of justice of peace districts.—The board of county commissioners of Orange County may at any time upon resolution, alter, change or revise the boundary of any justice of the peace district within Orange County without referendum; provided that no existing justice of the peace district shall be dissolved or otherwise eliminated except as otherwise provided by law. A public hearing shall be held on the proposed resolution with ten (10) days' notice published in a newspaper of general circulation in the

#### NO. 11 SENATE JOINT RESOLUTION NO. 67

A JOINT RESOLUTION proposing an amendment to Section 29 of Article XVI of the State Constitution providing that each condemnation of property jury shall be composed of twelve (12) jurors.

BE IT RESOLVED by the Legislature of the State of Florida:

That the amendment set forth below to Section 29 of Article XVI is agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November,

SECTION 29. Condemnation of property; compensation.-No private property, nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by twelve (12) jurors in a court of competent jurisdiction, as shall be prescribed by law.

## NO. 12 SENATE JOINT RESOLUTION NO. 655

A JOINT RESOLUTION proposing an amendment to Article III of the State Constitution by adding Section 2A; providing a special session for purpose of organization, swearing in new members, and electing officers.

BE IT RESOLVED by the Legislature of the State of Florida: That the following amendment to Article III of the State Constitution

as me membership or me nouse representatives is apportioned. The convention upon adoption of a revised constitution shall certify a copy of it to the governor. Five (5) printed copies of the revised constitution shall be transmitted by the secretary of state to the clerk of the circuit court of each county, and five (5) to the county judge of each county. These copies shall be distributed throughout the various counties and shall be available for examination by any person desiring to examine same for a period of at least three (3) months immediately preceding the next general election. At this election the revised constitution shall be submitted to the electors of the state, for approval or rejection. If a majority of the electors voting upon the revision of the constitution shall approve same, the revised constitution shall take effect immediately upon such approval by the electors.

#### NO. 2

#### SENATE JOINT RESOLUTION NO. 221

A JOINT RESOLUTION proposing amendments to Article VIII of the State Constitution; adding Section 6A to said Article to provide for the terms and employment of appointive county superintendents of public instruction.

BE IT RESOLVED by the Legislature of the State of Florida: That the amendment of Section 6 of Article VIII of the State Constitution by the addition to said Article of Section 6A set forth below is agreed to and shall be submitted to the electors of Florida for ratifica-

tion or rejection at the general elec-

tion to be held in November, 1966: SECTION 6A. In those counties authorized to appoint a superintendent of public instruction under Article XII of the state constitution the superintendent shall serve at the pleasure of the board provided that the board may enter into a contract of employment with such appointed county superintendent which contract shall not extend beyond the thirtieth day of June in the year in which the terms of a majority of the members of the board of public instruction shall ex-The county superintendent not be commissioned by the governor but shall be required to file with the county board of public instruction a good and sufficient bond and in such sum and upon

# NO. 3

such conditions as the legislature

by law shall prescribe for elective

superintendents as provided by Sec-

tion 7, Article VIII of the state

constitution.

# HOUSE JOINT RESOLUTION NO. 344

A JOINT RESOLUTION proposing an amendment to Article VI, Section 1 of the State Constitution to provide for voting by residents not meeting the qualifications of electors in national elections for president and vice-president of the United States, and to remove the requirement that naturalized citizens must present their naturalization certificate or a copy thereof when registering.

county governments in Hillsborough county by adding section 24 thereto:

BE IT RESOLVED by the Legislature of the State of Florida:

That the following amendment to article VIII of the constitution of the state of Florida is hereby agreed to and shall be submitted to the electors of the state of Florida for ratification or rejection at the next general election.

Article VIII is hereby amended by adding section 24 to read as follows:

Section 24. (1) The electors of Hillsborough county are hereby granted the power to adopt a charter for a government which shall exercise any and all powers for county and municipal purposes which this constitution or the legislature, by general, special or local law, has conferred upon Hillsborough county or any municipality therein. Such government shall exercise these powers by the enactment of ordinances which relate to government of Hillsborough county and provide suitable penalties for the violation thereof. Such government shall have no power to create or abolish any municipality, except as otherwise provided herein.

(2) The method and manner by which the electors of Hillsborough county shall exercise this power shall be set forth in a charter for the government of Hillsborough county which charter shall be presented to said electors by any charter commission established by the legislature. The legislature may provide for the continuing existence of any charter commission or may establish a charter commission or commissions subsequent to any initial commission without regard to any election or elections held upon any charter or charters theretofore presented. A charter shall become effective only upon ratification by a majority of the electors of Hillsborough county voting in a general or special election as provided by law.

(3) The number, qualifications, terms of office and method of filling vacancies in the membership of any charter commission established pursuant to this section and the powers, functions and duties of any such commission shall be provided by

(4) A charter prepared by any commission established pursuant to this section shall provide that:

a. The governments of the city of Tampa and the county of Hillsborough shall be consolidated, and the structure of the new local government shall include:

1. An executive branch, the chief officer of which shall be responsible for the administration of government.

2. An elected legislative branch, the election to membership, powers and duties of which shall be as provided by the charter.

3. A judicial branch, which shall

only have jurisdiction in the enforcement of ordinances enacted by the legislative branch created by this section

section.
b. Should the electors of the municipalities of Plant City or Temple Terrace wish to consolidate their governments with the government

That the amendment to section 7 of Article V of the state constitution by adding subsection (4) set forth below is agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November, 1966:

Section 7. County judges' courts.

(4) Prescribed qualification authorized. The legislature may require by special act, subject to approval by referendum within the county, that the county judge of any county be a member of the Florida bar; provided such law shall not affect the term of office or the re-election of any county judge holding office on the date of its enactment who is not a member of the Florida bar.

# NO. 7

#### SENATE JOINT RESOLUTION NO. 662

A JOINT RESOLUTION proposing an amendment to Section 7 of Article V of the State Constitution providing that the legislature provide the number of county judges in each county and the monetary jurisdiction in cases at law in county judge's court; deleting the requirement that county judges is sue all licenses.

BE IT RESOLVED by the Legislature of the State of Florida:

That the amendment set forth below to Section 7 of Article V of the State Constitution is agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November, 1966:

SECTION 7. County Judges' Courts.—

(1) ESTABLISHMENT. There shall be a county judge's court in each

(2) COUNTY JUDGES. There shall be in each county a county judge or county judges in such number as the legislature shall provide who shall be elected by the qualified electors of the county at the time and places of voting for other county officers and shall hold office for four (4) years. Compensation shall be as

provided by law. (3) JURISDICTION. The county judges' courts shall have original jurisdiction in all cases at law in which the demand or value of property involved shall be as provided by the legislature; of proceedings relating to the forcible or unlawful detention of lands and tenements; and of such criminal cases as the legislature may prescribe. The county judges' courts shall have jurisdiction of the settlement of the estate of decedents and minors, to order the sale of real estate of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. The county judge shall have the power of committing magistrates.

# NO. 8

# COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 485

A JOINT RESOLUTION proposing an amendment to Article V of the Florida Constitution by adding secof this state for at least five (5) years, neither of whom shall be a justice or judge of any court, active or retired, nor a member of the Florida bar, appointed by the governor. When a member appointed under paragraph (a) ceases to be a judge of the court from which he was appointed or a member appointed under paragraph (b) ceases to be a member of the Florida bar, or a member appointed under paragraph (c) becomes a justice or judge of any court or a member of the Florida bar, his membership on the commission shall terminate and a successor shall be appointed for the remainder of his term. No member of the commission appointed under paragraph (b) or (c) shall be eligible to succeed himself. Except as provided herein, no member of the commission shall hold a public office and no member shall hold office in a political party. The compensation and terms of office of members of the commission shall be fixed by law, provided that not more than one third (1/3) of the terms of the members shall terminate in any two (2) year period. No recommendations of the commission to the supreme court shall be valid unless concurred in by two thirds (2/3) of its members. The commission shall elect one (1) of its members to serve as chairman.

(3) Any justice or judge to whom this section applies may be disciplined by private reprimand or removed from office for willful or persistent failure to perform his duties or habitual intemperance or conduct unbecoming a member of the judiciary or he may be involuntarily retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature. After such investigation as it deems necessary, the judicial qualifications commission may conduct a hearing concerning the removal, discipline or retirement of a justice or judge or request the supreme court to appoint three (3) special referees, who shall be active or retired justices or judges of courts of record, to hear and take evidence in any such matter, and to report thereon to the commission. All hearings shall be held in the county in which the justice or judge involved resides. Testimony shall be under oath, administered by a member of the commission or a special referee, and subject to the penalties for perjury. If after hearing, or after considering the record and report of the referees, the commission finds good cause therefor, it shall recommend to the supreme court the removal. discipline or retirement of the justice or judge. The supreme court shall review the record of the proceedings on the law and facts and shall order removal, discipline or retirement, as it finds just and proper, or wholly reject the commission's recommendation. Upon an order for involuntary retirement for disability, the justice or judge shall thereby be retired at retirement pay to be fixed by law which as to a justice of the supreme court, judge of a district court of appeal or circuit judge shall not be less than two After said time there shall also be a State Attorney of the Thirteenth (13th) Judicial Circuit in and for Hillsborough County who shall be a separate official elected by the qualified electors of that circuit in the same manner as other state and county officials to serve a term of four (4) years who shall fulfill the duties prescribed by law, including, but not limited to, prosecution of all capital felony cases.

The legislature may provide for Assistant State Attorneys and Special Investigators for the State Attorney and for Assistant County Solicitors and Special Investigators for the County Solicitor of Hillsborough County, Florida, and all Assistant State Attorneys and Assistant County Solicitors and Investigators shall be appointed by the State Attorney and the County Solicitor respectively and sworn in by the court, and such Assistant State Attorneys and County Solicitors shall work under the direction of said State Attorney and County Solicitor and shall have full authority to do and perform any of the official duties and acts that the State Attorney and County Solicitor may do and perform.

Pending informations filed in the Criminal Court of Record of Hillsborough County shall not be invalidated by this amendment or affected in any way hereby; and the County Solicitor may file amended informations in any such cases if and when necessary.

The County Commissioners shall, upon this amendment becoming effective, apportion the funds appropriated for the operation of the State Attorney's Office between the State Attorney's Office and the County Solicitor's Office on the basis of the case load, personnel assigned in the State Attorney's Office to handle the duties of the newly created County Solicitor, and the cost of operations of said two (2) offices. Thereafter, the Board of County Commissioners of Hillsborough County shall appropriate such funds as to them may be reasonably required for the operation of the State Attorney's Office and County Solicitor's Office.

It is the express intent of the Legislature and the electors of the State of Florida to create offices of the State Attorney and County Solicitor in Hillsborough County, Florida, which shall be separate, distinct, and unconnected with each other so that the same shall be and exist as they did in said County before the first Tuesday after the first Monday in January of 1961.

Section 2. This resolution shall become effective only upon its approval by a majority of the electors voting in a referendum election to be held in Hillsborough County at the second primary election to be held in 1966.

## NO. 10 HOUSE JOINT RESOLUTION NO. 748

A JOINT RESOLUTION proposing an amendment to Article V of the State Constitution, by adding a section to be numbered by the secretary of state authorizing the board of county commissioners of

adding Section 2A is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1966:

SECTION 2A. Special session for

SECTION 2A. Special session for organizational purposes.—The legislature shall meet on the first (1st) Tuesday in November after the general election for the purpose of organization, swearing in new members and selecting officers. No other business shall be transacted.

# NO. 13 HOUSE JOINT RESOLUTION

NO. 578

A JOINT RESOLUTION proposing an amendment to Article IX of the state constitution, adding Section 14A, to provide that goods, wares, commodities and merchandise, commonly known as stock in trade or inventory and livestock, may be exempted in part from ad valorem taxation as personal or tangible property as the legislature may prescribe by general law of uniform operation throughout the state.

WHEREAS, it is generally recognized that goods, wares and merchandise, commonly known as "stock in trade" or "inventory," constitute a class of personal property that serves an inherent need and requirement for the successful operation of modern day businesses, and WHEREAS, such property is not

purchased or held for the use of the owner but for resale purposes, and WHEREAS, such property may vary from liquids to solids, and iron

to cloth, and
WHEREAS, such property may
include fast turnover items and
slow turnover items, the true cash
value of which is often both uncertain and speculative, and

WHEREAS, it is of benefit to the citizens of this state to encourage successful business operations to be adequately stocked with complete and varied lines of merchandise, and

WHEREAS, such stock in trade or inventory is property in various stages between capital and profit or just money in transit, NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Florida:

That the following amendment to Article IX of the state constitution adding section 14A is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1966:

Section 14A. Exemption; stock in trade. Goods, wares, commodities and merchandise, commonly known as stock in trade or inventory and livestock, may be exempted in part from ad valorem taxation as personal or tangible property as the legislature may prescribe by general law of uniform operation throughout the state.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of

Florida at Tallahassee, the Capital, this the 24th day of August, A. D., 1966.

TOM ADAMS

(SEAL) Secretary of State