A proposal to revise

ARTICLE IV, ss. 3, 4, and 8, and ARTICLE XII, s. 9, Fla. Const.; providing for membership of
the Florida Cabinet.

It is proposed by the Florida Constitution Revision Commission that:

Section 1. Section 3 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV
EXECUTIVE

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

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(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 the two [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 the two [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 2. Section 4 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV
EXECUTIVE

SECTION 4. Cabinet.--

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a chief fiscal officer 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.

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

(c) 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.

(d) The 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.

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

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

Section 3. Section 8 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV
EXECUTIVE

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 secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

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

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

Section 4. Section 9 of Article XII of the Florida
Constitution is revised by amending that section to read:

ARTICLE XII

SCHEDULE

SECTION 9. Bonds.--

(a) ADDITIONAL SECURITIES.

(1) Article IX, Section 17, of the Constitution of
1885, as amended, as it existed immediately before this
Constitution, as revised in 1968, became effective, is adopted
by this reference as a part of this revision as completely as
though incorporated herein verbatim, except revenue bonds,
revenue certificates or other evidences of indebtedness
hereafter issued thereunder may be issued by the agency of the
state so authorized by law.

(2) That portion of Article XII, Section 9, Subsection
(a) of this Constitution, as amended, which by reference
adopted Article XII, Section 19 of the Constitution of 1885,
as amended, as the same existed immediately before the
effective date of this amendment is adopted by this reference
as part of this revision as completely as though incorporated
herein verbatim, for the purpose of providing that after the
effective date of this amendment all of the proceeds of the
revenues derived from the gross receipts taxes, as therein
defined, collected in each year shall be applied as provided
therein to the extent necessary to comply with all obligations
to or for the benefit of holders of bonds or certificates
issued before the effective date of this amendment or any
refunding thereof which are secured by such gross receipts

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taxes. No bonds or other obligations may be issued pursuant
to the provisions of Article XII, Section 19, of the
Constitution of 1885, as amended, but this provision shall not
be construed to prevent the refunding of any such outstanding
bonds or obligations pursuant to the provisions of this
subsection (a)(2).

Subject to the requirements of the first paragraph of
this subsection (a)(2), beginning July 1, 1975, all of the
proceeds of the revenues derived from the gross receipts taxes
collected from every person, including municipalities, as
provided and levied pursuant to the provisions of chapter 203,
Florida Statutes, as such chapter is amended from time to
time, shall, as collected, be placed in a trust fund to be
known as the "public education capital outlay and debt service
trust fund" in the state treasury (hereinafter referred to as
"capital outlay fund"), and used only as provided herein.

The capital outlay fund shall be administered by the
state board of education as created and constituted by Section
2 of Article IX of the Constitution of Florida as revised in
1968 (hereinafter referred to as "state board"), or by such
other instrumentality of the state which shall hereafter
succeed by law to the powers, duties and functions of the
state board, including the powers, duties and functions of the
state board provided in this subsection (a)(2). The state
board shall be a body corporate and shall have all the powers
provided herein in addition to all other constitutional and
statutory powers related to the purposes of this subsection
(a)(2) heretofore or hereafter conferred by law upon the state
board, or its predecessor created by the Constitution of 1885,
as amended.
State bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, by the state board pursuant to law to finance or refinance capital projects theretofore authorized by the legislature, and any purposes appurtenant or incidental thereto, for the state system of public education provided for in Section 1 of Article IX of this Constitution (hereinafter referred to as "state system"), including but not limited to institutions of higher learning, community colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law. All such bonds shall mature not later than thirty years after the date of issuance thereof. All other details of such bonds shall be as provided by law or by the proceedings authorizing such bonds; provided, however, that no bonds, except refunding bonds, shall be issued, and no proceeds shall be expended for the cost of any capital project, unless such project has been authorized by the legislature.

Bonds issued pursuant to this subsection (a)(2) shall be primarily payable from such revenues derived from gross receipts taxes, and shall be additionally secured by the full faith and credit of the state. No such bonds shall ever be issued in an amount exceeding ninety percent of the amount which the state board determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of this subsection (a)(2), and such determination shall be conclusive.

The moneys in the capital outlay fund in each fiscal year shall be used only for the following purposes and in the following order of priority:

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a. For the payment of the principal of and interest on any bonds due in such fiscal year;
   b. For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of bonds of any amounts required to be deposited in such reserve funds in such fiscal year;
   c. For direct payment of the cost or any part of the cost of any capital project for the state system theretofore authorized by the legislature, or for the purchase or redemption of outstanding bonds in accordance with the provisions of the proceedings which authorized the issuance of such bonds, or for the purpose of maintaining, restoring, or repairing existing public educational facilities.

(b) REFUNDING BONDS. Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) MOTOR VEHICLE FUEL TAXES.
   (1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.
(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

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

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in the amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the

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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 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); however, the members of the state board of administration
shall be the governor, the attorney general, and the chief
fiscal officer. 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

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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.

(d) SCHOOL BONDS.

(1) Article XII, Section 9, Subsection (d) of this
constitution, as amended, (which, by reference, adopted
Article XII, Section 18, of the Constitution of 1885, as
amended) as the same existed immediately before the effective

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date of this amendment is adopted by this reference as part of
this amendment as completely as though incorporated herein
verbatim, for the purpose of providing that after the
effective date of this amendment the first proceeds of the
revenues derived from the licensing of motor vehicles as
referred to therein shall be distributed annually among the
several counties in the ratio of the number of instruction
units in each county, the same being coterminus with the
school district of each county as provided in Article IX,
Section 4, Subsection (a) of this constitution, in each year
computed as provided therein to the extent necessary to comply
with all obligations to or for the benefit of holders of bonds
or motor vehicle tax anticipation certificates issued before
the effective date of this amendment or any refundings thereof
which are secured by any portion of such revenues derived from
the licensing of motor vehicles.

(2) No funds anticipated to be distributed annually
among the several counties under the formula stated in Article
XII, Section 9, Subsection (d) of this constitution, as
amended, as the same existed immediately before the effective
date of this amendment shall be pledged as security for any
obligations hereafter issued or entered into, except that any
outstanding obligations previously issued pledging such funds
may be refunded by the issuance of refunding bonds.

(3) Subject to the requirements of paragraph (1) of
this subsection (d) beginning July 1, 1973, the first proceeds
of the revenues derived from the licensing of motor vehicles
(hereinafter called "motor vehicle license revenues") to the
extent necessary to comply with the provisions of this
amendment, shall, as collected, be placed monthly in the
school district and community college district capital outlay
and debt service fund in the state treasury and used only as
provided in this amendment. Such revenue shall be distributed
annually among the several school districts and community
college districts in the ratio of the number of instruction
units in each school district or community college district in
each year computed as provided herein. The amount of the
first motor vehicle license revenues to be so set aside in
each year and distributed as provided herein shall be an
amount equal in the aggregate to the product of six hundred
dollars ($600) multiplied by the total number of instruction
units in all the school districts of Florida for the school
fiscal year 1967-68, plus an amount equal in the aggregate to
the product of eight hundred dollars ($800) multiplied by the
total number of instruction units in all the school districts
of Florida for the school fiscal year 1972-73 and for each
school fiscal year thereafter which is in excess of the total
number of such instruction units in all the school districts
of Florida for the school fiscal year 1967-68, such excess
units being designated "growth units." The amount of the
first motor vehicle license revenues to be so set aside in
each year and distributed as provided herein shall
additionally be an amount equal in the aggregate to the
product of four hundred dollars ($400) multiplied by the total
number of instruction units in all community college districts
of Florida. The number of instruction units in each school
district or community college district in each year for the
purposes of this amendment shall be the greater of (1) the
number of instruction units in each school district for the
school fiscal year 1967-68 or community college district for
the school fiscal year 1968-69 computed in the manner
heretofore provided by general law, or (2) the number of

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instruction units in such school district, including growth
units, or community college district for the school fiscal
year computed in the manner heretofore or hereafter provided
by general law and approved by the state board of education
(hereinafter called the state board), or (3) the number of
instruction units in each school district, including growth
units, or community college district on behalf of which the
state board has issued bonds or motor vehicle license revenue
anticipation certificates under this amendment which will
produce sufficient revenues under this amendment to equal one
and twelve-hundredths (1.12) times the aggregate amount of
principal of and interest on all bonds or motor vehicle
license revenue anticipation certificates issued under this
amendment which will mature and become due in such year,
computed in the manner heretofore or hereafter provided by
general law and approved by the state board.

(4) Such funds so distributed shall be administered by
the state board as now created and constituted by Section 2 of
Article IX of the State Constitution as revised in 1968, or by
such other instrumentality of the state which shall hereafter
succeed by law to the powers, duties and functions of the
state board, including the powers, duties and functions of the
state board provided in this amendment. For the purposes of
this amendment, said state board shall be a body corporate and
shall have all the powers provided in this amendment in
addition to all other constitutional and statutory powers
related to the purposes of this amendment heretofore or
hereafter conferred upon said state board.

(5) The state board shall, in addition to its other
constitutional and statutory powers, have the management,
control and supervision of the proceeds of the first motor

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vehicle license revenues provided for in this subsection (d).

The state board shall also have power, for the purpose of
obtaining funds for the use of any school board of any school
district or board of trustees of any community college
district in acquiring, building, constructing, altering,
remodeling, improving, enlarging, furnishing, equipping,
maintaining, renovating, or repairing of capital outlay
projects for school purposes to issue bonds or motor vehicle
license revenue anticipation certificates, and also to issue
such bonds or motor vehicle license revenue anticipation
certificates to pay, fund or refund any bonds or motor vehicle
license revenue anticipation certificates theretofore issued
by said state board. All such bonds or motor vehicle license
revenue anticipation certificates shall bear interest at not
exceeding the rate provided by general law and shall mature
not later than thirty years after the date of issuance
thereof. The state board shall have power to determine all
other details of the bonds or motor vehicle license revenue
anticipation certificates and to sell in the manner provided
by general law, or exchange the bonds or motor vehicle license
revenue anticipation certificates, upon such terms and
conditions as the state board shall provide.

(6) The state board shall also have power to pledge
for the payment of the principal of and interest on such bonds
or motor vehicle license revenue anticipation certificates,
including refunding bonds or refunding motor vehicle license
revenue anticipation certificates, all or any part from the
motor vehicle license revenues provided for in this amendment
and to enter into any covenants and other agreements with the
holders of such bonds or motor vehicle license revenue
anticipation certificates at the time of the issuance thereof

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concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

(7) No such bonds or motor vehicle license revenue anticipation certificates shall ever be issued by the state board, except to refund outstanding bonds or motor vehicle license revenue anticipation certificates, until after the adoption of a resolution requesting the issuance thereof by the school board of the school district or board of trustees of the community college district on behalf of which the obligations are to be issued. The state board of education shall limit the amount of such bonds or motor vehicle license revenue anticipation certificates which can be issued on behalf of any school district or community college district to ninety percent (90%) of the amount which it determines can be serviced by the revenue accruing to the school district or community college district under the provisions of this amendment, and shall determine the reasonable allocation of the interest savings from the issuance of refunding bonds or motor vehicle license revenue anticipation certificates, and such determinations shall be conclusive. All such bonds or motor vehicle license revenue anticipation certificates shall be issued in the name of the state board of education but shall be issued for and on behalf of the school board of the school district or board of trustees of the community college district requesting the issuance thereof, and no election or approval of qualified electors shall be required for the issuance thereof.

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(8) The state board shall in each year use the funds distributable pursuant to this amendment to the credit of each school district or community college district only in the following manner and in order of priority:

a. To comply with the requirements of paragraph (1) of this subsection (d).

b. To pay all amounts of principal and interest due in such year on any bonds or motor vehicle license revenue anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle license revenue anticipation certificates, issued on behalf of the school board of such school district or board of trustees of such community college district; subject, however, to any covenants or agreements made by the state board concerning the rights between holders of different issues of such bonds or motor vehicle license revenue anticipation certificates, as herein authorized.

c. To establish and maintain a sinking fund or funds to meet future requirements for debt service or reserves therefor, on bonds or motor vehicle license revenue anticipation certificates issued on behalf of the school board of such school district or board of trustees of such community college district under the authority hereof, whenever the state board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the state board shall in its discretion determine.

d. To distribute annually to the several school boards of the school districts or the boards of trustees of the community college districts for use in payment of debt service on bonds heretofore or hereafter issued by any such school boards of the school districts or boards of trustees of the
community college districts where the proceeds of the bonds were used, or are to be used, in the acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing of capital outlay projects in such school districts or community college districts and which capital outlay projects have been approved by the school board of the school district or board of trustees of the community college district, pursuant to the most recent survey or surveys conducted under regulations prescribed by the state board to determine the capital outlay needs of the school district or community college district. The state board shall have power at the time of issuance of any bonds by any school board of any school district or board of trustees of any community college district to covenant and agree with such school board or board of trustees as to the rank and priority of payments to be made for different issues of bonds under this subparagraph d., and may further agree that any amounts to be distributed under this subparagraph d. may be pledged for the debt service on bonds issued by any school board of any school district or board of trustees of any community college district and for the rank and priority of such pledge. Any such covenants or agreements of the state board may be enforced by any holders of such bonds in any court of competent jurisdiction.

e. To pay the expenses of the state board in administering this subsection (d), which shall be prorated among the various school districts and community college districts and paid out of the proceeds of the bonds or motor vehicle license revenue anticipation certificates or from the funds distributable to each school district and community college district on the same basis as such motor vehicle

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license revenues are distributable to the various school
districts and community college districts.

f. To distribute annually to the several school boards
of the school districts or boards of trustees of the community
college districts for the payment of the cost of acquiring,
building, constructing, altering, remodeling, improving,
enlarging, furnishing, equipping, maintaining, renovating, or
repairing of capital outlay projects for school purposes in
such school district or community college district as shall be
requested by resolution of the school board of the school
district or board of trustees of the community college
district.

g. When all major capital outlay needs of a school
district or community college district have been met as
determined by the state board, on the basis of a survey made
pursuant to regulations of the state board and approved by the
state board, all such funds remaining shall be distributed
annually and used for such school purposes in such school
district or community college district as the school board of
the school district or board of trustees of the community
college district shall determine, or as may be provided by
general law.

(9) Capital outlay projects of a school district or
community college district shall be eligible to participate in
the funds accruing under this amendment and derived from the
proceeds of bonds and motor vehicle license revenue
anticipation certificates and from the motor vehicle license
revenues, only in the order of priority of needs, as shown by
a survey or surveys conducted in the school district or
community college district under regulations prescribed by the
state board, to determine the capital outlay needs of the
school district or community college district and approved by the state board; provided that the priority of such projects may be changed from time to time upon the request of the school board of the school district or board of trustees of the community college district and with the approval of the state board; and provided, further, that this paragraph (9) shall not in any manner affect any covenant, agreement or pledge made by the state board in the issuance by said state board of any bonds or motor vehicle license revenue anticipation certificates, or in connection with the issuance of any bonds of any school board of any school district or board of trustees of any community college district.

(10) The state board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this amendment of full force and operating effect. The legislature shall not reduce the levies of said motor vehicle license revenues during the life of this amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license revenues from the operation of this amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle license revenue anticipation certificates issued pursuant to this amendment or impairing or altering any covenant or agreement of the state board, as provided in such bonds or motor vehicle license revenue anticipation certificates.

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(11) Bonds issued by the state board pursuant to this subsection (d) shall be payable primarily from said motor vehicle license revenues as provided herein, and if heretofore or hereafter authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When heretofore or hereafter authorized by law, bonds issued pursuant to Article XII, Section 18 of the Constitution of 1885, as amended prior to 1968, and bonds issued pursuant to Article XII, Section 9, subsection (d) of the Constitution as revised in 1968, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state.

(e) DEBT LIMITATION. Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.