

INTRO TO THE FLORIDA CONSTITUTION

In preparation for statehood, fifty-six delegates from Florida's twenty counties assembled in the Panhandle town of Saint Joseph (near Port St. Joe) to frame the 1838 Constitution (cover). The delegates were mainly planters and lawyers from thirteen of the nation's twenty-six states and four foreign countries; only three were native Floridians. Three delegates would later become U.S. Senators; two, governors; and five, members of the state supreme court. The convention was called to order on December 3, 1838 and elected Robert Raymond Reid of St. Augustine as president.

The constitution divided the government into the traditional three branches - an executive headed by the governor elected to a single four year term, a bicameral legislature that met annually, and a judiciary headed by a supreme court. It banned bank officers, clergymen, and duelists from election to the legislature and governorship; and declared free men equal while at the same time preserving slavery. The constitution was approved by popular vote in 1839 and served as Florida's constitution from statehood in 1845 until Florida seceded from the Union in 1861.

The original 1838 Constitution, signed by forty-one delegates on January 11, 1839, has disappeared. The only surviving handwritten copy is a clerk's copy signed by Reid and Joshua Knowles, convention secretary, found by the William N. "Bill" Galphin family in Fernandina Beach in 1982. The family inherited the copy from Galphin's grandfather William Thompson. Thompson married the niece of Judge John C. McGehee, a delegate to the 1838 convention and president of the Secession Convention of 1861.

The 1838 Constitution is one of many historical documents that may be found at the Florida State Archives. Located in the R.A. Gray Building in Tallahassee, the Archives is mandated by law to collect and preserve documentation of Florida's past; including photographs, state records, and private papers of individuals and organizations.



The Constitution of the State of Florida as revised in 1968 consisted of certain revised articles as proposed by three joint resolutions which were adopted during the special session of June 24 - July 3, 1968, and ratified by the electorate on November 5, 1968, together with one article carried forward from the Constitution of 1885, as amended. The articles proposed in House Joint Resolution 1-2X constituted the entire revised constitution with the exception of Articles V, VI, and VIII. Senate Joint Resolution 4-2X proposed Article VI, relating to suffrage and elections. Senate Joint Resolution 5-2X proposed a new Article VIII, relating to local government. Article V, relating to the judiciary, was carried forward from the Constitution of 1885, as amended.

Sections composing the 1968 revision have no history notes. Subsequent changes are indicated by notes appended to the affected sections. The indexes appearing at the beginning of each article, notes appearing at the end of various sections, and section and subsection headings are added editorially and are not to be considered as part of the constitution.

