

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IV of the State Constitution to create the position of Insurance Commissioner as an elected member of the Cabinet, the creation of Section 8 of Article VI of the State Constitution to prohibit certain campaign contributions relating to candidates for the office of Insurance Commissioner, and the creation of Section 26 of Article XII of the State Constitution to provide an effective date for such changes and for the initial election to such office.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article IV and the creation of Section 8 of Article VI and Section 26 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IV

EXECUTIVE

SECTION 4. Cabinet.--

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, ~~and~~ a commissioner of agriculture, and an insurance commissioner. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In

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29 | the event of a tie vote of the governor and cabinet, the side on
 30 | which the governor voted shall be deemed to prevail.

31 | (b) The attorney general shall be the chief state legal
 32 | officer. There is created in the office of the attorney general
 33 | the position of statewide prosecutor. The statewide prosecutor
 34 | shall have concurrent jurisdiction with the state attorneys to
 35 | prosecute violations of criminal laws occurring or having
 36 | occurred, in two or more judicial circuits as part of a related
 37 | transaction, or when any such offense is affecting or has
 38 | affected two or more judicial circuits as provided by general
 39 | law. The statewide prosecutor shall be appointed by the attorney
 40 | general from not fewer ~~less~~ than three persons nominated by the
 41 | judicial nominating commission for the supreme court, or as
 42 | otherwise provided by general law.

43 | (c) The chief financial officer shall serve as the chief
 44 | fiscal officer of the state, and shall settle and approve
 45 | accounts against the state, and shall keep all state funds and
 46 | securities.

47 | (d) The commissioner of agriculture shall have supervision
 48 | of matters pertaining to agriculture except as otherwise
 49 | provided by law.

50 | (e) The insurance commissioner shall have control and
 51 | supervision of matters relating to the state fire marshal, risk
 52 | management, insurance regulation, insurance fraud,
 53 | rehabilitation and liquidation of insurers, insurance agents and
 54 | agency services, consumer services, workers' compensation,
 55 | insurance consumer advocacy, and funeral and cemetery services.

56 | (f) ~~(e)~~ The governor as chair, the chief financial officer,

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57 and the attorney general shall constitute the state board of
 58 administration, which shall succeed to all the power, control,
 59 and authority of the state board of administration established
 60 pursuant to Article IX, Section 16 of the Constitution of 1885,
 61 and which shall continue as a body at least for the life of
 62 Article XII, Section 9(c).

63 (g)~~(f)~~ The governor as chair, the chief financial officer,
 64 the attorney general, and the commissioner of agriculture shall
 65 constitute the trustees of the internal improvement trust fund
 66 and the land acquisition trust fund as provided by law.

67 (h)~~(g)~~ The governor as chair, the chief financial officer,
 68 the attorney general, and the commissioner of agriculture shall
 69 constitute the agency head of the Department of Law Enforcement.

70 ARTICLE VI

71 SUFFRAGE AND ELECTIONS

72 SECTION 8. Insurance commissioner candidates; campaign
 73 contributions prohibited.--An insurance company, a company
 74 engaged in the business of funeral or cemetery service, or any
 75 other business or company that is under the control and
 76 supervision of the insurance commissioner, or any employee or
 77 agent of such a company or business, may not make or solicit a
 78 contribution, for any election, to or on behalf of any candidate
 79 for the office of insurance commissioner. A candidate for the
 80 office of insurance commissioner, or any employee of the
 81 insurance commissioner or of any state agency under the control
 82 and supervision of the insurance commissioner, may not solicit
 83 or accept a campaign contribution from any such company,
 84 business, employee, or agent. This section does not prevent any

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85 candidate for the office of insurance commissioner or member of
 86 that candidate's immediate family from contributing to that
 87 candidate's campaign as otherwise permitted by law.

88 ARTICLE XII

89 SCHEDULE

90 SECTION 26. Insurance Commissioner; office created;
 91 campaign contributions prohibited.--The amendment to Section 4
 92 of Article IV to create the office of insurance commissioner and
 93 the creation of Section 8 of Article VI to limit campaign
 94 contributions relating to candidates for the office of insurance
 95 commissioner shall take effect January 6, 2009, with the office
 96 of insurance commissioner initially filled for a 2-year term at
 97 the 2008 general election.

98 BE IT FURTHER RESOLVED that the following statement be
 99 placed on the ballot:

100 CONSTITUTIONAL AMENDMENT

101 ARTICLE IV, SECTION 4

102 ARTICLE VI, SECTION 8

103 ARTICLE XII, SECTION 26

104 CREATING CABINET OFFICE OF INSURANCE COMMISSIONER; LIMITING
 105 INSURANCE COMMISSIONER CANDIDATE CAMPAIGN CONTRIBUTIONS;
 106 SCHEDULE.--Proposing amendments to the State Constitution to
 107 create the office of Insurance Commissioner, who will be an
 108 elected member of the Cabinet and responsible for the control
 109 and supervision of the State Fire Marshal, risk management,
 110 insurance regulation, insurance fraud, rehabilitation and
 111 liquidation of insurers, insurance agents and agency services,
 112 consumer services, workers' compensation, insurance consumer

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113 | advocacy, and funeral and cemetery services; prohibit campaign
114 | contributions to, or solicitation of campaign contributions by
115 | or on behalf of, candidates for the office of Insurance
116 | Commissioner from insurance companies, funeral or cemetery
117 | service companies, and other businesses or companies under the
118 | control and supervision of the Insurance Commissioner and their
119 | employees and agents; and specify January 6, 2009, as the
120 | effective date of the changes, with the office of Insurance
121 | Commissioner filled at the 2008 general election to an initial
122 | 2-year term, with subsequent 4-year terms.