

Bill No. CS for SJR 1918, 1st Eng.

Barcode 985432

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senators Webster and Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 34, line 22, through
page 43, line 2, delete those lines

and insert:

ARTICLE IV
EXECUTIVE

SECTION 1. Governor.--

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor 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 may require information in writing from all executive or administrative state, county, or municipal officers upon any subject relating to the duties

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1 of their respective offices. The governor shall be the chief
2 administrative officer of the state responsible for the
3 planning and budgeting for the state.

4 (b) The governor may initiate judicial proceedings in
5 the name of the state against any executive or administrative
6 state, county, or municipal officer to enforce compliance with
7 any duty or restrain any unauthorized act.

8 (c) The governor may request in writing the opinion of
9 the justices of the supreme court as to the interpretation of
10 any portion of this constitution upon any question affecting
11 the governor's executive powers and duties. The justices
12 shall, subject to their rules of procedure, permit interested
13 persons to be heard on the questions presented and shall
14 render their written opinion not earlier than ten days from
15 the filing and docketing of the request, unless in their
16 judgment the delay would cause public injury.

17 (d) The governor shall have power to call out the
18 militia to preserve the public peace, execute the laws of the
19 state, suppress insurrection, or repel invasion.

20 (e) The governor shall by message at least once in
21 each regular session inform the legislature concerning the
22 condition of the state, propose such reorganization of the
23 executive department as will promote efficiency and economy,
24 and recommend measures in the public interest.

25 (f) When not otherwise provided for in this
26 constitution, the governor shall fill by appointment any
27 vacancy in a state or county office for the remainder of the
28 term of an appointive office, and for the remainder of the
29 term of an elective office if less than twenty-eight months,
30 otherwise until the first Tuesday after the first Monday
31 following the next general election.

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1 SECTION 2. Lieutenant governor.--There shall be a
 2 lieutenant governor, who shall perform such duties pertaining
 3 to the office of governor as shall be assigned by the
 4 governor, except when otherwise provided by law, and such
 5 other duties as may be prescribed by law.

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

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

12 (b) Upon impeachment of the governor and until
 13 completion of trial thereof, or during the governor's physical
 14 or mental incapacity, the lieutenant governor shall act as
 15 governor. Further succession as acting governor shall be
 16 prescribed by law. Incapacity to serve as governor may be
 17 determined by the supreme court upon due notice after
 18 docketing of a written suggestion thereof by three cabinet
 19 members, and in such case restoration of capacity shall be
 20 similarly determined after docketing of written suggestion
 21 thereof by the governor, the legislature, or three cabinet
 22 members. Incapacity to serve as governor may also be
 23 established by certificate filed with the custodian of state
 24 records by the governor declaring incapacity for physical
 25 reasons to serve as governor, and in such case restoration of
 26 capacity shall be similarly established.

27 SECTION 4. Cabinet.--

28 (a) There shall be a cabinet composed of an attorney
 29 general, a chief financial officer, and a commissioner of
 30 agriculture. In addition to the powers and duties specified
 31 herein, they shall exercise such powers and perform such

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1 duties as may be prescribed by law. In the event of a tie vote
2 of the governor and cabinet, the side on which the governor
3 voted shall be deemed to prevail.

4 (b) The attorney general shall be the chief state
5 legal officer. There is created in the office of the attorney
6 general the position of statewide prosecutor. The statewide
7 prosecutor shall have concurrent jurisdiction with the state
8 attorneys to prosecute violations of criminal laws occurring
9 or having occurred, in two or more judicial circuits as part
10 of a related transaction, or when any such offense is
11 affecting or has affected two or more judicial circuits as
12 provided by general law. The statewide prosecutor shall be
13 appointed by the attorney general from not fewer ~~less~~ than
14 three persons nominated by the judicial nominating commission
15 for the supreme court, or as otherwise provided by general
16 law.

17 (c) The chief financial officer shall serve as the
18 chief fiscal officer of the state, ~~and~~ shall settle and
19 approve accounts against the state, and shall keep all state
20 funds and securities.

21 (d) The commissioner of agriculture shall have
22 supervision of matters pertaining to agriculture except as
23 otherwise provided by law.

24 (e) The governor as chair, the chief financial
25 officer, and the attorney general shall constitute the state
26 board of administration, which shall succeed to all the power,
27 control, and authority of the state board of administration
28 established pursuant to Article IX, section 16 of the
29 constitution of 1885, and which shall continue as a body at
30 least for the life of Article XII, section 7(c) ~~9(e)~~.

31 (f) The governor as chair, the chief financial

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1 officer, the attorney general, and the commissioner of
2 agriculture shall constitute the trustees of the internal
3 improvement trust fund and the land acquisition trust fund as
4 provided by law.

5 (g) The governor as chair, the chief financial
6 officer, the attorney general, and the commissioner of
7 agriculture shall constitute the agency head of the Department
8 of Law Enforcement.

9 SECTION 5. Election of governor, lieutenant governor,
10 and cabinet members; qualifications; terms.--

11 (a) At a statewide ~~state-wide~~ general election in each
12 calendar year the number of which is even but not a multiple
13 of four, the electors shall choose a governor and a lieutenant
14 governor and members of the cabinet each for a term of four
15 years beginning on the first Tuesday after the first Monday in
16 January of the succeeding year. In primary elections,
17 candidates for the office of governor may choose to run
18 without a lieutenant governor candidate. In the general
19 election, all candidates for the offices of governor and
20 lieutenant governor shall form joint candidacies in a manner
21 prescribed by law so that each voter shall cast a single vote
22 for a candidate for governor and a candidate for lieutenant
23 governor running together.

24 (b) When elected, the governor, lieutenant governor,
25 and each cabinet member must be an elector not less than
26 thirty years of age who has resided in the state for the
27 preceding seven years. The attorney general must have been a
28 member of the bar of Florida for the preceding five years. No
29 person who has, or but for resignation would have, served as
30 governor or acting governor for more than six years in two
31 consecutive terms shall be elected governor for the succeeding

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1 term.

2 SECTION 6. Executive departments.--All functions of
3 the executive branch of state government shall be allotted
4 among not more than twenty-five departments, exclusive of
5 those specifically provided for or authorized in this
6 constitution. The administration of each department, unless
7 otherwise provided in this constitution, shall be placed by
8 law under the direct supervision of the governor, the
9 lieutenant governor, the governor and cabinet, a cabinet
10 member, or an officer or board appointed by and serving at the
11 pleasure of the governor, except:

12 (a) When provided by law, confirmation by the senate
13 or the approval of three members of the cabinet shall be
14 required for appointment to or removal from any designated
15 statutory office.

16 (b) Boards authorized to grant and revoke licenses to
17 engage in regulated occupations shall be assigned to
18 appropriate departments and their members appointed for fixed
19 terms, subject to removal only for cause.

20 SECTION 7. Suspensions; filling office during
21 suspensions.--

22 (a) By executive order stating the grounds and filed
23 with the custodian of state records, the governor may suspend
24 from office any state officer not subject to impeachment, any
25 officer of the militia not in the active service of the United
26 States, or any county officer, for malfeasance, misfeasance,
27 neglect of duty, drunkenness, incompetence, permanent
28 inability to perform official duties, or commission of a
29 felony, and may fill the office by appointment for the period
30 of suspension. The suspended officer may at any time before
31 removal be reinstated by the governor.

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1 (b) The senate may, in proceedings prescribed by law,
 2 remove from office or reinstate the suspended official and for
 3 such purpose the senate may be convened in special session by
 4 its president or by a majority of its membership.

5 (c) By order of the governor, any elected municipal
 6 officer indicted for a crime may be suspended from office
 7 until acquitted and the office filled by appointment for the
 8 period of suspension, not to extend beyond the term, unless
 9 these powers are vested elsewhere by law or the municipal
 10 charter.

11 SECTION 8. Clemency.--

12 (a) Except in cases of treason and in cases where
 13 impeachment results in conviction, the governor may, by
 14 executive order filed with the custodian of state records,
 15 suspend collection of fines and forfeitures, grant reprieves
 16 not exceeding sixty days and, with the approval of two members
 17 of the cabinet, grant full or conditional pardons, restore
 18 civil rights, commute punishment, and remit fines and
 19 forfeitures for offenses.

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

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

31 SECTION 9. Fish and wildlife conservation

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1 commission.--There shall be a fish and wildlife conservation
2 commission, composed of seven members appointed by the
3 governor, subject to confirmation by the senate for staggered
4 terms of five years. The commission shall exercise the
5 regulatory and executive powers of the state with respect to
6 wild animal life and freshwater ~~fresh water~~ aquatic life, and
7 shall also exercise regulatory and executive powers of the
8 state with respect to marine life, except that all license
9 fees for taking wild animal life, freshwater ~~fresh water~~
10 aquatic life, and marine life and penalties for violating
11 regulations of the commission shall be prescribed by general
12 law. The commission shall establish procedures to ensure
13 adequate due process in the exercise of its regulatory and
14 executive functions. The legislature may enact laws in aid of
15 the commission, not inconsistent with this section, except
16 that there shall be no special law or general law of local
17 application pertaining to hunting or fishing. The commission's
18 exercise of executive powers in the area of planning,
19 budgeting, personnel management, and purchasing shall be as
20 provided by law. Revenue derived from license fees for the
21 taking of wild animal life and freshwater ~~fresh water~~ aquatic
22 life shall be appropriated to the commission by the
23 legislature for the purposes of management, protection, and
24 conservation of wild animal life and freshwater ~~fresh water~~
25 aquatic life. Revenue derived from license fees relating to
26 marine life shall be appropriated by the legislature for the
27 purposes of management, protection, and conservation of marine
28 life as provided by law. The commission shall not be a unit of
29 any other state agency and shall have its own staff, which
30 includes management, research, and enforcement. Unless
31 provided by general law, the commission shall have no

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1 authority to regulate matters relating to air and water
2 pollution.

3 SECTION 10. Attorney General.--The attorney general
4 shall, as directed by general law, request the opinion of the
5 justices of the supreme court as to the validity of any
6 initiative petition circulated pursuant to Article XI, section
7 3 ~~of Article XI~~. The justices shall, subject to their rules of
8 procedure, permit interested persons to be heard on the
9 questions presented and shall render their written opinion no
10 later than April 1 of the year in which the initiative is to
11 be submitted to the voters pursuant to Article XI, section 5
12 ~~of Article XI~~.

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 6, through
18 page 2, line 10, delete those lines

19
20 and insert:

21 technical issues; to repeal obsolete
22 provisions; to repeal portions of Article VI,
23 section 4, which provide for term limits on
24 certain federal officeholders and which have
25 been held to be unconstitutional; to repeal
26 Article X, section 1, which pertains to the
27 ratification of amendments to the U.S.
28 Constitution and has been held to be
29 unconstitutional; to repeal Article X, section
30 5, which pertains to the property rights of
31 married persons and authorizes dower and

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1 curtesy to be established by law; to repeal
2 Article X, section 21, which pertains to the
3 confinement of pregnant pigs, and to provide
4 for its codification as a statute; to prohibit
5 the modification, repeal, or acts inconsistent
6 with a constitutional provision codified as a
7 statute, except upon a supermajority vote of
8 each house of the Legislature for a certain

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