

By Senators Klein, Wise, Bullard, Diaz de la Portilla, Sebesta, Aronberg, Wilson, Hill, Miller, Smith and Geller

30-1104B-06

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Senate 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, who will be an elected member of the Cabinet, and the creation of Section 8 of Article VI of the State Constitution to prohibit certain campaign contributions to or solicitation of certain campaign contributions by or on behalf of candidates for the office of Insurance Commissioner.

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

That the following amendment to Section 4 of Article IV and creation of Section 8 of Article VI of the State Constitution are agreed to, 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, and, if approved, shall take effect January 6, 2009, with the office of Insurance Commissioner filled initially for a 2-year term at the 2008 general election:

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

1 powers and perform such duties as may be prescribed by law. In  
2 the event of a tie vote of the governor and cabinet, the side  
3 on which the governor 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 insurance commissioner shall have control and  
25 supervision of matters relating to the state fire marshal,  
26 risk management, insurance regulation, insurance fraud,  
27 rehabilitation and liquidation of insurers, insurance agents  
28 and agency services, consumer services, workers' compensation,  
29 insurance consumer advocacy, and funeral and cemetery  
30 services.  
31



1 section does not prevent any candidate for the office of  
2 insurance commissioner or member of that candidate's immediate  
3 family from contributing to that candidate's campaign as  
4 otherwise permitted by law.

5 BE IT FURTHER RESOLVED that the following statement be  
6 placed on the ballot:

7 CONSTITUTIONAL AMENDMENT

8 ARTICLE IV, SECTION 4; ARTICLE VI, SECTION 8

9 COMPOSITION OF CABINET; OFFICE OF INSURANCE

10 COMMISSIONER; LIMIT ON CAMPAIGN CONTRIBUTIONS TO, OR  
11 ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS BY OR ON BEHALF OF,  
12 CANDIDATES FOR SUCH OFFICE.--Proposing an amendment to the  
13 State Constitution to create the office of Insurance  
14 Commissioner, who will be an elected member of the Cabinet and  
15 responsible for the control and supervision of the State Fire  
16 Marshal, risk management, insurance regulation, insurance  
17 fraud, rehabilitation and liquidation of insurers, insurance  
18 agents and agency services, consumer services, workers'  
19 compensation, insurance consumer advocacy, and funeral and  
20 cemetery services. The amendment will also prohibit campaign  
21 contributions to, or solicitation of campaign contributions by  
22 or on behalf of, candidates for the office of Insurance  
23 Commissioner from insurance companies, funeral or cemetery  
24 service companies, and other businesses or companies under the  
25 control and supervision of the Insurance Commissioner and  
26 their employees and agents.