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

## 30-1104B-06

1	Senate Joint Resolution
2	A joint resolution proposing an amendment to
3	Section 4 of Article IV of the State
4	Constitution to create the position of
5	Insurance Commissioner, who will be an elected
6	member of the Cabinet, and the creation of
7	Section 8 of Article VI of the State
8	Constitution to prohibit certain campaign
9	contributions to or solicitation of certain
10	campaign contributions by or on behalf of
11	candidates for the office of Insurance
12	Commissioner.
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14	Be It Resolved by the Legislature of the State of Florida:
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16	That the following amendment to Section 4 of Article IV
17	and creation of Section 8 of Article VI of the State
18	Constitution are agreed to, shall be submitted to the electors
19	of this state for approval or rejection at the next general
20	election or at an earlier special election specifically
21	authorized by law for that purpose, and, if approved, shall
22	take effect January 6, 2009, with the office of Insurance
23	Commissioner filled initially for a 2-year term at the 2008
24	general election:
25	ARTICLE IV
26	EXECUTIVE
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, and an insurance commissioner. In addition to the
31	powers and duties specified herein, they shall exercise such

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CODING: Words stricken are deletions; words underlined are additions.

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

- (b) 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 fewer less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.
- (c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.
- (d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.
- (e) The insurance commissioner shall have control and supervision of matters relating to the state fire marshal, risk management, insurance regulation, insurance fraud, rehabilitation and liquidation of insurers, insurance agents and agency services, consumer services, workers' compensation, insurance consumer advocacy, and funeral and cemetery services.

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(f)(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

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

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

## ARTICLE VI

## SUFFRAGE AND ELECTIONS

SECTION 8.--Insurance commissioner candidates; campaign contributions prohibited.--Neither an insurance company, nor a company engaged in the business of funeral or cemetery service, nor any other business or company that is under the control and supervision of the insurance commissioner, nor any employee or agent of such a company or business may make or solicit a contribution, for any election, to or on behalf of any candidate for the office of insurance commissioner.

Neither a candidate for the office of insurance commissioner nor any employee of the insurance commissioner or of any state agency under the control and supervision of the insurance commissioner may solicit or accept a campaign contribution from any such company, business, employee, or agent. This

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.
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