

By Senator Posey

24-1369-06

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Senate Joint Resolution

A joint resolution proposing an amendment to Sections 4 and 9 of Article IV and Section 23 of Article XII and the creation of Section 26 of Article XII of the State Constitution to create the Cabinet office of Director of the Interior, create a Department of the Interior, and abolish the Fish and Wildlife Conservation Commission.

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

That the following amendment to Sections 4 and 9 of Article IV and Section 23 of Article XII and the creation of Section 26 of Article XII of the State Constitution is 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, a director of the interior, and a commissioner of agriculture. 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 the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.~~

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

13 (c) The chief financial officer shall serve as the
14 chief fiscal officer of the state, and shall settle and
15 approve accounts against the state, and shall keep all state
16 funds and securities.

17 (d) The commissioner of agriculture shall have
18 supervision of matters pertaining to agriculture except as
19 otherwise provided by law.

20 (e) The director of the interior shall have
21 supervision of matters pertaining to state's natural
22 resources.

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

30 ~~(g)(f)~~ The governor as chair, the chief financial
31 officer, the attorney general, the director of the interior,

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

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

8 SECTION 9. Department of the Interior ~~Fish and~~
9 ~~wildlife conservation commission.--Effective July 1, 2009,~~
10 there shall be a Department of the Interior, as provided by
11 law, to be responsible for conserving and protecting the
12 natural resources and scenic beauty of the state in accordance
13 with Article II, section 7(a) fish and wildlife conservation
14 commission, composed of seven members appointed by the
15 governor, subject to confirmation by the senate for staggered
16 terms of five years. The commission shall exercise the
17 regulatory and executive powers of the state with respect to
18 wild animal life and fresh water aquatic life, and shall also
19 exercise regulatory and executive powers of the state with
20 respect to marine life, except that all license fees for
21 taking wild animal life, fresh water aquatic life, and marine
22 life and penalties for violating regulations of the commission
23 shall be prescribed by general law. The commission shall
24 establish procedures to ensure adequate due process in the
25 exercise of its regulatory and executive functions. The
26 legislature may not enact any laws ~~in aid of the commission,~~
27 ~~not inconsistent with this section, except that there shall be~~
28 ~~no~~ special law or general law of local application pertaining
29 to hunting or fishing. ~~The commission's exercise of executive~~
30 ~~powers in the area of planning, budgeting, personnel~~
31 ~~management, and purchasing shall be as provided by law.~~

1 ~~Revenue derived from license fees for the taking of wild~~
2 ~~animal life and fresh water aquatic life shall be appropriated~~
3 ~~to the commission by the legislature for the purposes of~~
4 ~~management, protection, and conservation of wild animal life~~
5 ~~and fresh water aquatic life. Revenue derived from license~~
6 ~~fees relating to marine life shall be appropriated by the~~
7 ~~legislature for the purposes of management, protection, and~~
8 ~~conservation of marine life as provided by law. The commission~~
9 ~~shall not be a unit of any other state agency and shall have~~
10 ~~its own staff, which includes management, research, and~~
11 ~~enforcement. Unless provided by general law, the commission~~
12 ~~shall have no authority to regulate matters relating to air~~
13 ~~and water pollution.~~

14 ARTICLE XII

15 SCHEDULE

16 SECTION 23. Department of the Interior Fish and
17 ~~wildlife conservation commission.--~~

18 ~~(a) The initial members of the commission shall be the~~
19 ~~members of the game and fresh water fish commission and the~~
20 ~~marine fisheries commission who are serving on those~~
21 ~~commissions on the effective date of this amendment, who may~~
22 ~~serve the remainder of their respective terms. New~~
23 ~~appointments to the commission shall not be made until the~~
24 ~~retirement, resignation, removal, or expiration of the terms~~
25 ~~of the initial members results in fewer than seven members~~
26 ~~remaining.~~

27 ~~(b) The jurisdiction of the marine fisheries~~
28 ~~commission as set forth in statutes in effect on March 1,~~
29 ~~1998, shall be transferred to the fish and wildlife~~
30 ~~conservation commission. The jurisdiction of the marine~~
31 ~~fisheries commission transferred to the commission shall not~~

1 ~~be expanded except as provided by general law. All rules of~~
2 ~~the marine fisheries commission and game and fresh water fish~~
3 ~~commission in effect on the effective date of this amendment~~
4 ~~shall become rules of the fish and wildlife conservation~~
5 ~~commission until superseded or amended by the commission.~~

6 (e) On the effective date of the Department of the
7 Interior created by the this amendment to Section 9 of Article
8 IV, the fish and wildlife conservation ~~marine fisheries~~
9 ~~commission and game and fresh water fish~~ commission shall be
10 abolished.

11 (d) ~~This amendment shall take effect July 1, 1999.~~

12 SECTION 26. Director of the interior.--The amendment
13 to Section 4 of Article IV to create the office of director of
14 the interior shall take effect January 6, 2009, with the
15 office to be initially filled for a 2-year term at the 2008
16 general election.

17 CONSTITUTIONAL AMENDMENT

18 ARTICLE IV, SECTIONS 4 AND 9;

19 ARTICLE XII, SECTIONS 23 AND 26

20 DIRECTOR OF THE INTERIOR, DEPARTMENT OF THE INTERIOR
21 CREATED; FISH AND WILDLIFE CONSERVATION COMMISSION
22 ABOLISHED.--Proposing an amendment to the State Constitution
23 to create the Cabinet office of Director of the Interior for
24 the supervision of matters pertaining to the state's natural
25 resources, create a Department of the Interior to be
26 responsible for conserving and protecting the natural
27 resources and scenic beauty of the state, and abolish the Fish
28 and Wildlife Conservation Commission; to provide an effective
29 date of July 1, 2009, for the creation of the department and
30 the abolishment of the commission; and to provide an effective
31 date of January 6, 2009, for the creation of the Cabinet

1 office of Director of the Interior, with the office to be
2 filled at the 2008 general election to an initial term of 2
3 years, with subsequent 4-year terms.
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