HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7085 PCB DS 06-03 Succession to the Office of Governor

SPONSOR(S): Domestic Security Committee

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Domestic Security Committee	9 Y, 0 N	Wiggins	Newton
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SUMMARY ANALYSIS

This bill is to update s.14.055, F.S. to reflect Article IV, Section IV of the Florida Constitution and the new structure of the cabinet. Presently, s.14.055, F.S., includes the Secretary of State and the Comptroller as part of the cabinet and those positions are included in the line of succession upon vacancy of the office of the Governor. The Secretary of State and Comptroller positions are no longer part of the cabinet and are no longer a part of the succession line for the office of Governor. This BILL is amends s.14.055, F.S. to aligned with the change in the Florida Constitution.

New Cabinet Structure

In 1998 the Constitutional Revision Commission proposed a rewrite of Article IV, Section IV of the Florida Constitution that reduced the Florida Cabinet from six elected officials to three. Effective January 7, 2003, the Florida Cabinet consists of the Attorney General, the Chief Financial Officer and the Commissioner of Agriculture. The Cabinet offices of Secretary of State and Commissioner of Education became appointed offices and their respective agencies became the responsibility of the Governor. The revised constitution also created a new State Board of Education with seven members appointed by the Governor to oversee the Department of Education. The Cabinet offices of Treasurer and Comptroller were merged into the new position of Chief Financial Officer who serves as agency head for the newly created Department of Financial Services.

Succession line

When the office of Governor becomes vacant, the Lieutenant Governor shall become Governor. The succession line continues as follows: Attorney General, Chief Financial Officer, and the Commissioner of Agriculture. The exception is when the Governor appoints a successor to the office of Lieutenant Governor. If the Governor appoints a successor then that individual, shall receive all of the rights and privileges of the office of the Governor. If a vacancy still occurs, then the Speaker of the House of Representatives and President of the Senate shall convene the Legislature within 15 days for the purpose of choosing a person to serve as Governor for the remainder of the term. A successor shall be elected by a majority vote in a joint session of both houses.

This BILL does not appear to have fiscal impact on state and local governments.

This BILL takes effect July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. STORAGE NAME: h7085b.DS.doc

DATE: h/085b.DS.dc 3/8/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government-, The Secretary of State and Commissioner of Education are no longer a part of the Florida cabinet and are no longer included in the succession line to the office of the Governor. The revised Florida Cabinet consists of the Attorney General, the Chief Financial Officer and the Commissioner of Agriculture. The Cabinet offices of Secretary of State and Commissioner of Education became appointed offices and their respective agencies became the responsibility of the Governor. By eliminating the Secretary of State and Commissioner of Education cabinet positions the succession process is streamlined.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section .5, Art. IV of the State Constitution describes the Florida Cabinet as three elected officials; the Attorney General, the Chief Financial Officer and the Commissioner of Agriculture.

The change to the cabinet was effective January 7, 2003, This BILL will update s.14.055, F.S. with Florida's Constitution and remove the language that references the Secretary of State and Comptroller as part of the Governor's cabinet and as a part of the succession line to the office of Governor.

C. SECTION DIRECTORY:

Section 1. 14.055 F.S. The purpose of this BILL is to update s.14.055, F.S. to reflect Article IV, Section IV of the Florida Constitution and the new structure of the cabinet. Presently, s.14.055, F.S., includes the Secretary of State and the Comptroller as part of the cabinet and those positions are included in the line of succession upon vacancy of the office of the Governor. The Secretary of State and Comptroller positions are no longer part of the cabinet and are no longer a part of the succession line for the office of Governor. This BILL is amending s.14.055, F.S. so it is aligned with the change in the Florida Constitution.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

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C.	DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
	N/A
D.	FISCAL COMMENTS:
	N/A

III. COMMENTS

- A. CONSTITUTIONAL ISSUES:
 - Applicability of Municipality/County Mandates Provision:
 N/A
 - 2. Other:
- B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

N/A

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

STORAGE NAME: DATE:

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