

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Domestic Security Committee, Adams

TIED BILLS: **IDEN./SIM. BILLS:** SB 1756

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|----------|----------|----------------|
| Orig. Comm.: Domestic Security Committee | 9 Y, 0 N | Wiggins | Newton |
| 1) Governmental Operations Committee | 6 Y, 0 N | Mitchell | Williamson |
| 2) State Administration Council | | Wiggins | Bussey |
| 3) _____ | _____ | _____ | _____ |
| 4) _____ | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

This bill revises the statutory succession to the office of Governor. In the event of a vacancy in the office of Governor and the office of Lieutenant Governor, the bill provides for the following officers/persons to become Governor: Attorney General, then Chief Financial Officer, then Commissioner of Agriculture, and ultimately a person elected by a majority vote in a joint session of the Legislature if there are vacancies in all of the other offices.

This bill does not appear to create, modify, or eliminate rulemaking authority.

This bill does not appear to have a fiscal impact on state government revenues or expenditures. This bill does not appear to have an impact on local government revenues or expenditures.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – This bill revises the line of succession for the office of Governor in the event of a vacancy in the office of Governor and the office of Lieutenant Governor.

B. EFFECT OF PROPOSED CHANGES:

Succession to the Office of Governor

Article IV, section 3(a) of the Florida Constitution provides that the Lieutenant Governor becomes Governor upon a vacancy in the office of Governor. This section requires further succession to the office of Governor be prescribed by law, provided any successor must serve for the remainder of the term.

Section 14.055, Florida Statutes, was created in 1970 to fulfill the constitutional requirement of further succession provided by law. This section mirrors the Florida Constitution in providing for the Lieutenant Governor to become Governor upon a vacancy in the Office of the Governor.

This section, as amended by the Legislature in 2003, then provides for a vacancy in the office of Lieutenant Governor and allows the Governor to appoint a successor to serve for the remainder of the term. This successor is prohibited, however, from becoming Governor if there is a vacancy in the office of Governor with more than 28 months remaining in the term; instead, this section requires a Governor and Lieutenant Governor to be determined at the next statewide general election.

If there is a vacancy in the office of the Governor and the office of Lieutenant Governor, this section currently sets forth the following succession:

- Secretary of State
- Attorney General
- Comptroller
- Treasurer
- Commissioner of Education
- Commissioner of Agriculture
- Person elected by a majority vote in a joint session of the Legislature within 15 days.

Each of the designated positions was previously a statewide elected office and a member of the Florida Cabinet. In November 1998, however, voters approved Revision Number 8, which was proposed by the 1997-1998 Constitutional Revision Commission. Effective January 7, 2003,¹ this revision merged the Cabinet offices of Treasurer and Comptroller into one Chief Financial Officer and removed the Secretary of State and Commissioner of Education as elected Cabinet offices. Thus, the Cabinet now consists of the Chief Financial Officer, the Attorney General, and the Agriculture Commissioner.²

This bill amends the line of succession in the event of a vacancy in the office of Governor and the office of Lieutenant Governor:

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture

¹ Fla. Const., art. XII, § 24.

² Fla. Const., art. IV, § 4.

- Person elected by a majority vote in a joint session of the Legislature within 15 days.

These changes appear consistent with the original statutory succession enacted by the Legislature; that is, it follows the original ordering to provide for statewide, elected officers and members of the Cabinet to become Governor and removes positions which are now appointed.

C. SECTION DIRECTORY:

Section 1: Amends section 14.055, Florida Statutes, to change the succession to the office of Governor.

Section 2: Provides that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not appear to reduce the percentage of a state tax shared with counties or municipalities. This bill does not appear to reduce the authority that counties or municipalities have to raise revenue.

2. Other:

Succession to Office of Governor

Article IV, section 3(a) of the Florida Constitution requires succession to the office of Governor to be prescribed by law with the successor serving the remainder of the term. The changes in this bill do

not appear to violate this provision. The provision of existing law which prohibits a Lieutenant Governor, who was appointed by a Governor to fill a vacancy in the office of Lieutenant Governor, from becoming Governor if there is more than 28 months remaining in the term may violate the provisions of this section.³

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

³ *But see* Fla. Const., art. IV, § 1(f) (which authorizes the Governor to fill any vacancy, not otherwise provided for in the Florida Constitution, for the remainder of the term of office if less than twenty-eight months or otherwise until the next general election); *cf.* Fla. Const., art. IV, sec. 5(a) (requiring joint candidacies for the offices of Governor and Lieutenant Governor).