

By Senator Baker

20-1677-07

See HJR 79

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 11 of Article III, Sections 4 and 9 of Article IV, and Section 23 of Article XII and the creation of Section 27 of Article XII of the State Constitution to create the Cabinet office of Commissioner of the Interior, create a Department of the Interior, and remove the constitutional mandate for a Fish and Wildlife Conservation Commission.

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

That the following amendments to Section 11 of Article III, Sections 4 and 9 of Article IV, and Section 23 of Article XII and the creation of Section 27 of Article XII of the State Constitution are 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 III
LEGISLATURE

SECTION 11. Prohibited special laws.--

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief

1 of tax officers from due performance of their duties, and
2 relief of their sureties from liability;
3 (3) rules of evidence in any court;
4 (4) punishment for crime;
5 (5) petit juries, including compensation of jurors,
6 except establishment of jury commissions;
7 (6) change of civil or criminal venue;
8 (7) conditions precedent to bringing any civil or
9 criminal proceedings, or limitations of time therefor;
10 (8) refund of money legally paid or remission of
11 fines, penalties or forfeitures;
12 (9) creation, enforcement, extension or impairment of
13 liens based on private contracts, or fixing of interest rates
14 on private contracts;
15 (10) disposal of public property, including any
16 interest therein, for private purposes;
17 (11) vacation of roads;
18 (12) private incorporation or grant of privilege to a
19 private corporation;
20 (13) effectuation of invalid deeds, wills or other
21 instruments, or change in the law of descent;
22 (14) change of name of any person;
23 (15) divorce;
24 (16) legitimation or adoption of persons;
25 (17) relief of minors from legal disabilities;
26 (18) transfer of any property interest of persons
27 under legal disabilities or of estates of decedents;
28 (19) hunting or ~~fresh-water~~ fishing;
29 (20) regulation of occupations which are regulated by
30 a state agency; or
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1 (21) any subject when prohibited by general law passed
2 by a three-fifths vote of the membership of each house. Such
3 law may be amended or repealed by like vote.

4 (b) In the enactment of general laws on other
5 subjects, political subdivisions or other governmental
6 entities may be classified only on a basis reasonably related
7 to the subject of the law.

8 ARTICLE IV

9 EXECUTIVE

10 SECTION 4. Cabinet.--

11 (a) There shall be a cabinet composed of an attorney
12 general, a chief financial officer, a commissioner of the
13 interior, and a commissioner of agriculture. In addition to
14 the powers and duties specified herein, they shall exercise
15 such powers and perform such duties as may be prescribed by
16 law. In the event of a tie vote of the governor and cabinet,
17 the side on which the governor voted shall be deemed to
18 prevail.

19 (b) The attorney general shall be the chief state
20 legal officer. There is created in the office of the attorney
21 general the position of statewide prosecutor. The statewide
22 prosecutor shall have concurrent jurisdiction with the state
23 attorneys to prosecute violations of criminal laws occurring
24 or having occurred, in two or more judicial circuits as part
25 of a related transaction, or when any such offense is
26 affecting or has affected two or more judicial circuits as
27 provided by general law. The statewide prosecutor shall be
28 appointed by the attorney general from not less than three
29 persons nominated by the judicial nominating commission for
30 the supreme court, or as otherwise provided by general law.
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1 (c) The chief financial officer shall serve as the
2 chief fiscal officer of the state, and shall settle and
3 approve accounts against the state, and shall keep all state
4 funds and securities.

5 (d) The commissioner of agriculture shall have
6 supervision of matters pertaining to agriculture except as
7 otherwise provided by law.

8 (e) The commissioner of the interior shall have
9 supervision of matters pertaining to the state's natural
10 resources and scenic beauty, including fish and wildlife,
11 except as otherwise provided by law.

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

19 ~~(g)(f)~~ The governor as chair, the chief financial
20 officer, the attorney general, the commissioner of the
21 interior, and the commissioner of agriculture shall constitute
22 the trustees of the internal improvement trust fund and the
23 land acquisition trust fund as provided by law.

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

28 SECTION 9. Department of the Interior ~~Fish and~~
29 ~~wildlife conservation commission.~~--There shall be a Department
30 of the Interior to be responsible for conserving and
31 protecting the state's natural resources and scenic beauty,

1 including fish and wildlife, except as otherwise provided by
2 law fish and wildlife conservation commission, composed of
3 seven members appointed by the governor, subject to
4 confirmation by the senate for staggered terms of five years.
5 The commission shall exercise the regulatory and executive
6 powers of the state with respect to wild animal life and fresh
7 water aquatic life, and shall also exercise regulatory and
8 executive powers of the state with respect to marine life,
9 except that all license fees for taking wild animal life,
10 fresh water aquatic life, and marine life and penalties for
11 violating regulations of the commission shall be prescribed by
12 general law. The commission shall establish procedures to
13 ensure adequate due process in the exercise of its regulatory
14 and executive functions. The legislature may enact laws in aid
15 of the commission, not inconsistent with this section, except
16 that there shall be no special law or general law of local
17 application pertaining to hunting or fishing. The commission's
18 exercise of executive powers in the area of planning,
19 budgeting, personnel management, and purchasing shall be as
20 provided by law. Revenue derived from license fees for the
21 taking of wild animal life and fresh water aquatic life shall
22 be appropriated to the commission by the legislature for the
23 purposes of management, protection, and conservation of wild
24 animal life and fresh water aquatic life. Revenue derived from
25 license fees relating to marine life shall be appropriated by
26 the legislature for the purposes of management, protection,
27 and conservation of marine life as provided by law. The
28 commission shall not be a unit of any other state agency and
29 shall have its own staff, which includes management, research,
30 and enforcement. Unless provided by general law, the
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1 ~~commission shall have no authority to regulate matters~~
2 ~~relating to air and water pollution.~~

3 ARTICLE XII

4 SCHEDULE

5 SECTION 23. Department of the Interior Fish and
6 ~~wildlife conservation commission.--~~

7 ~~(a) The initial members of the commission shall be the~~
8 ~~members of the game and fresh water fish commission and the~~
9 ~~marine fisheries commission who are serving on those~~
10 ~~commissions on the effective date of this amendment, who may~~
11 ~~serve the remainder of their respective terms. New~~
12 ~~appointments to the commission shall not be made until the~~
13 ~~retirement, resignation, removal, or expiration of the terms~~
14 ~~of the initial members results in fewer than seven members~~
15 ~~remaining.~~

16 ~~(b) The jurisdiction of the marine fisheries~~
17 ~~commission as set forth in statutes in effect on March 1,~~
18 ~~1998, shall be transferred to the fish and wildlife~~
19 ~~conservation commission. The jurisdiction of the marine~~
20 ~~fisheries commission transferred to the commission shall not~~
21 ~~be expanded except as provided by general law. All rules of~~
22 ~~the marine fisheries commission and game and fresh water fish~~
23 ~~commission in effect on the effective date of this amendment~~
24 ~~shall become rules of the fish and wildlife conservation~~
25 ~~commission until superseded or amended by the commission.~~

26 ~~(c) The creation of the Department of the Interior~~
27 ~~pursuant to the amendment to Section 9 of Article IV shall~~
28 ~~take effect July 1, 2011, and on that the effective date of~~
29 ~~this amendment, the constitutional mandate for a fish and~~
30 ~~wildlife conservation marine fisheries commission and game and~~
31 ~~fresh water fish commission shall be removed abolished.~~

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

2 SECTION 27. Commissioner of the Interior.--The
3 amendment to Section 4 of Article IV to create the Cabinet
4 office of commissioner of the interior shall take effect
5 January 4, 2011, with the office to be initially filled for a
6 2-year term at the 2010 general election.

7 BE IT FURTHER RESOLVED that the following statement be
8 placed on the ballot:

9 CONSTITUTIONAL AMENDMENT

10 ARTICLE III, SECTION 11

11 ARTICLE IV, SECTIONS 4 AND 9

12 ARTICLE XII, SECTIONS 23 AND 27

13 CONSERVATION AND PROTECTION OF NATURAL RESOURCES AND
14 SCENIC BEAUTY, INCLUDING FISH AND WILDLIFE.--Proposing
15 amendment of the State Constitution to create a Department of
16 the Interior to be responsible for conserving and protecting
17 the state's natural resources and scenic beauty, including
18 fish and wildlife, except as otherwise provided by law; to
19 create the office of Commissioner of the Interior, a Cabinet
20 office filled by statewide election, to have supervision of
21 matters pertaining to the state's natural resources and scenic
22 beauty, including fish and wildlife, except as otherwise
23 provided by law, and to serve with the Governor and other
24 Cabinet officers as Trustees of the Internal Improvement Trust
25 Fund and the Land Acquisition Trust Fund and as the agency
26 head of the Department of Law Enforcement; to remove the
27 constitutional mandate for a Fish and Wildlife Conservation
28 Commission charged with overseeing matters relating to fish
29 and wildlife; to preserve the prohibition against any special
30 law or general law of local application relating to hunting or
31 fishing; and to provide an effective date of July 1, 2011, for

1 | the creation of the Department of the Interior and an
2 | effective date of January 4, 2011, for the creation of the
3 | Cabinet office of Commissioner of the Interior, with the
4 | office to be filled at the 2010 general election to an initial
5 | term of 2 years, with subsequent 4-year terms.
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