

By Senator Geller

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IV of the State Constitution to create the position of Insurance Commissioner, who will be an elected member of the Cabinet, and the creation of Section 8 of Article VI of the State Constitution to prohibit certain campaign contributions to or solicitation of certain campaign contributions by or on behalf of candidates for the office of Insurance Commissioner.

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

That the following amendment to Section 4 of Article IV and the creation of Section 8 of Article VI of the State Constitution are agreed to, 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, and, if approved, shall take effect January 6, 2009, with the office of Insurance Commissioner filled initially for a 2-year term at the 2008 general election:

ARTICLE IV
EXECUTIVE

SECTION 4. Cabinet.--

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, ~~and~~ a commissioner of agriculture, and an insurance commissioner. In addition to the powers and duties specified herein, they shall exercise such

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

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

17 (c) The chief financial officer shall serve as the
18 chief fiscal officer of the state, and shall settle and
19 approve accounts against the state, and shall keep all state
20 funds and securities.

21 (d) The commissioner of agriculture shall have
22 supervision of matters pertaining to agriculture except as
23 otherwise provided by law.

24 (e) The insurance commissioner shall have control and
25 supervision of matters relating to the state fire marshal,
26 risk management, insurance regulation, insurance fraud,
27 rehabilitation and liquidation of insurers, insurance agents
28 and agency services, consumer services, workers' compensation,
29 insurance consumer advocacy, and funeral and cemetery
30 services.

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1 prevent any candidate for the office of insurance commissioner
2 or member of that candidate's immediate family from
3 contributing to that candidate's campaign as otherwise
4 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 CREATING CABINET OFFICE OF INSURANCE COMMISSIONER;

10 LIMITING CAMPAIGN CONTRIBUTIONS TO CANDIDATES FOR SUCH
11 OFFICE.--Proposing an amendment to the State Constitution to
12 create the office of Insurance Commissioner, who will be an
13 elected member of the Cabinet and responsible for the control
14 and supervision of the State Fire Marshal, risk management,
15 insurance regulation, insurance fraud, rehabilitation and
16 liquidation of insurers, insurance agents and agency services,
17 consumer services, workers' compensation, insurance consumer
18 advocacy, and funeral and cemetery services. The amendment
19 will also prohibit campaign contributions to, or solicitation
20 of campaign contributions by or on behalf of, candidates for
21 the office of Insurance Commissioner from insurance companies,
22 funeral or cemetery service companies, and other businesses or
23 companies under the control and supervision of the Insurance
24 Commissioner and their employees and agents.

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