

House 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 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 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 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 of tax

HJR 79

2007

- 29 officers from due performance of their duties, and relief of
 30 their sureties from liability;
- 31 (3) rules of evidence in any court;
- 32 (4) punishment for crime;
- 33 (5) petit juries, including compensation of jurors, except
 34 establishment of jury commissions;
- 35 (6) change of civil or criminal venue;
- 36 (7) conditions precedent to bringing any civil or criminal
 37 proceedings, or limitations of time therefor;
- 38 (8) refund of money legally paid or remission of fines,
 39 penalties or forfeitures;
- 40 (9) creation, enforcement, extension or impairment of
 41 liens based on private contracts, or fixing of interest rates on
 42 private contracts;
- 43 (10) disposal of public property, including any interest
 44 therein, for private purposes;
- 45 (11) vacation of roads;
- 46 (12) private incorporation or grant of privilege to a
 47 private corporation;
- 48 (13) effectuation of invalid deeds, wills or other
 49 instruments, or change in the law of descent;
- 50 (14) change of name of any person;
- 51 (15) divorce;
- 52 (16) legitimation or adoption of persons;
- 53 (17) relief of minors from legal disabilities;
- 54 (18) transfer of any property interest of persons under
 55 legal disabilities or of estates of decedents;
- 56 (19) hunting or ~~fresh-water~~ fishing;

HJR 79

2007

57 (20) regulation of occupations which are regulated by a
58 state agency; or

59 (21) any subject when prohibited by general law passed by
60 a three-fifths vote of the membership of each house. Such law
61 may be amended or repealed by like vote.

62 (b) In the enactment of general laws on other subjects,
63 political subdivisions or other governmental entities may be
64 classified only on a basis reasonably related to the subject of
65 the law.

66 ARTICLE IV

67 EXECUTIVE

68 SECTION 4. Cabinet.--

69 (a) There shall be a cabinet composed of an attorney
70 general, a chief financial officer, a commissioner of the
71 interior, and a commissioner of agriculture. In addition to the
72 powers and duties specified herein, they shall exercise such
73 powers and perform such duties as may be prescribed by law. In
74 the event of a tie vote of the governor and cabinet, the side on
75 which the governor voted shall be deemed to prevail.

76 (b) The attorney general shall be the chief state legal
77 officer. There is created in the office of the attorney general
78 the position of statewide prosecutor. The statewide prosecutor
79 shall have concurrent jurisdiction with the state attorneys to
80 prosecute violations of criminal laws occurring or having
81 occurred, in two or more judicial circuits as part of a related
82 transaction, or when any such offense is affecting or has
83 affected two or more judicial circuits as provided by general
84 law. The statewide prosecutor shall be appointed by the attorney

85 general from not less than three persons nominated by the
 86 judicial nominating commission for the supreme court, or as
 87 otherwise provided by general law.

88 (c) The chief financial officer shall serve as the chief
 89 fiscal officer of the state, and shall settle and approve
 90 accounts against the state, and shall keep all state funds and
 91 securities.

92 (d) The commissioner of agriculture shall have supervision
 93 of matters pertaining to agriculture except as otherwise
 94 provided by law.

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

99 (f)~~(e)~~ The governor as chair, the chief financial officer,
 100 and the attorney general shall constitute the state board of
 101 administration, which shall succeed to all the power, control,
 102 and authority of the state board of administration established
 103 pursuant to Article IX, Section 16 of the Constitution of 1885,
 104 and which shall continue as a body at least for the life of
 105 Article XII, Section 9(c).

106 (g)~~(f)~~ The governor as chair, the chief financial officer,
 107 the attorney general, the commissioner of the interior, and the
 108 commissioner of agriculture shall constitute the trustees of the
 109 internal improvement trust fund and the land acquisition trust
 110 fund as provided by law.

111 (h)~~(g)~~ The governor as chair, the chief financial officer,
 112 the attorney general, the commissioner of the interior, and the

113 commissioner of agriculture shall constitute the agency head of
 114 the Department of Law Enforcement.

115 SECTION 9. Department of the Interior Fish and wildlife
 116 ~~conservation commission.~~--There shall be a Department of the
 117 Interior to be responsible for conserving and protecting the
 118 state's natural resources and scenic beauty, including fish and
 119 wildlife, except as otherwise provided by law ~~fish and wildlife~~
 120 ~~conservation commission, composed of seven members appointed by~~
 121 ~~the governor, subject to confirmation by the senate for~~
 122 ~~staggered terms of five years. The commission shall exercise the~~
 123 ~~regulatory and executive powers of the state with respect to~~
 124 ~~wild animal life and fresh water aquatic life, and shall also~~
 125 ~~exercise regulatory and executive powers of the state with~~
 126 ~~respect to marine life, except that all license fees for taking~~
 127 ~~wild animal life, fresh water aquatic life, and marine life and~~
 128 ~~penalties for violating regulations of the commission shall be~~
 129 ~~prescribed by general law. The commission shall establish~~
 130 ~~procedures to ensure adequate due process in the exercise of its~~
 131 ~~regulatory and executive functions. The legislature may enact~~
 132 ~~laws in aid of the commission, not inconsistent with this~~
 133 ~~section, except that there shall be no special law or general~~
 134 ~~law of local application pertaining to hunting or fishing. The~~
 135 ~~commission's exercise of executive powers in the area of~~
 136 ~~planning, budgeting, personnel management, and purchasing shall~~
 137 ~~be as provided by law. Revenue derived from license fees for the~~
 138 ~~taking of wild animal life and fresh water aquatic life shall be~~
 139 ~~appropriated to the commission by the legislature for the~~
 140 ~~purposes of management, protection, and conservation of wild~~

141 ~~animal life and fresh water aquatic life. Revenue derived from~~
 142 ~~license fees relating to marine life shall be appropriated by~~
 143 ~~the legislature for the purposes of management, protection, and~~
 144 ~~conservation of marine life as provided by law. The commission~~
 145 ~~shall not be a unit of any other state agency and shall have its~~
 146 ~~own staff, which includes management, research, and enforcement.~~
 147 ~~Unless provided by general law, the commission shall have no~~
 148 ~~authority to regulate matters relating to air and water~~
 149 ~~pollution.~~

150 ARTICLE XII

151 SCHEDULE

152 SECTION 23. Department of the Interior Fish and wildlife
 153 conservation commission.--

154 ~~(a) The initial members of the commission shall be the~~
 155 ~~members of the game and fresh water fish commission and the~~
 156 ~~marine fisheries commission who are serving on those commissions~~
 157 ~~on the effective date of this amendment, who may serve the~~
 158 ~~remainder of their respective terms. New appointments to the~~
 159 ~~commission shall not be made until the retirement, resignation,~~
 160 ~~removal, or expiration of the terms of the initial members~~
 161 ~~results in fewer than seven members remaining.~~

162 ~~(b) The jurisdiction of the marine fisheries commission as~~
 163 ~~set forth in statutes in effect on March 1, 1998, shall be~~
 164 ~~transferred to the fish and wildlife conservation commission.~~
 165 ~~The jurisdiction of the marine fisheries commission transferred~~
 166 ~~to the commission shall not be expanded except as provided by~~
 167 ~~general law. All rules of the marine fisheries commission and~~
 168 ~~game and fresh water fish commission in effect on the effective~~

HJR 79

2007

169 ~~date of this amendment shall become rules of the fish and~~
 170 ~~wildlife conservation commission until superseded or amended by~~
 171 ~~the commission.~~

172 (e) The creation of the Department of the Interior
 173 pursuant to the amendment to Section 9 of Article IV shall take
 174 effect July 1, 2011, and on that the effective date of this
 175 ~~amendment~~, the constitutional mandate for a fish and wildlife
 176 conservation marine fisheries commission and game and fresh
 177 ~~water fish~~ commission shall be removed abolished.

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

179 SECTION 27. Commissioner of the Interior.--The amendment
 180 to Section 4 of Article IV to create the Cabinet office of
 181 commissioner of the interior shall take effect January 4, 2011,
 182 with the office to be initially filled for a 2-year term at the
 183 2010 general election.

184 BE IT FURTHER RESOLVED that the following statement be
 185 placed on the ballot:

186 CONSTITUTIONAL AMENDMENT

187 ARTICLE III, SECTION 11

188 ARTICLE IV, SECTIONS 4 AND 9

189 ARTICLE XII, SECTIONS 23 AND 27

190 CONSERVATION AND PROTECTION OF NATURAL RESOURCES AND SCENIC
 191 BEAUTY, INCLUDING FISH AND WILDLIFE.--Proposing amendment of the
 192 State Constitution to create a Department of the Interior to be
 193 responsible for conserving and protecting the state's natural
 194 resources and scenic beauty, including fish and wildlife, except
 195 as otherwise provided by law; to create the office of
 196 Commissioner of the Interior, a Cabinet office filled by

HJR 79

2007

197 statewide election, to have supervision of matters pertaining to
198 the state's natural resources and scenic beauty, including fish
199 and wildlife, except as otherwise provided by law, and to serve
200 with the Governor and other Cabinet officers as Trustees of the
201 Internal Improvement Trust Fund and the Land Acquisition Trust
202 Fund and as the agency head of the Department of Law
203 Enforcement; to remove the constitutional mandate for a Fish and
204 Wildlife Conservation Commission charged with overseeing matters
205 relating to fish and wildlife; to preserve the prohibition
206 against any special law or general law of local application
207 relating to hunting or fishing; and to provide an effective date
208 of July 1, 2011, for the creation of the Department of the
209 Interior and an effective date of January 4, 2011, for the
210 creation of the Cabinet office of Commissioner of the Interior,
211 with the office to be filled at the 2010 general election to an
212 initial term of 2 years, with subsequent 4-year terms.