

House 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, an elected member of the Cabinet, 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, and the creation of Section 27 of Article XII of the State Constitution to provide an effective date and for filling the initial term 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 and 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 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

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

32 (b) The attorney general shall be the chief state legal
 33 officer. There is created in the office of the attorney general
 34 the position of statewide prosecutor. The statewide prosecutor
 35 shall have concurrent jurisdiction with the state attorneys to
 36 prosecute violations of criminal laws occurring or having
 37 occurred, in two or more judicial circuits as part of a related
 38 transaction, or when any such offense is affecting or has
 39 affected two or more judicial circuits as provided by general
 40 law. The statewide prosecutor shall be appointed by the attorney
 41 general from not fewer ~~less~~ than three persons nominated by the
 42 judicial nominating commission for the supreme court, or as
 43 otherwise provided by general law.

44 (c) The chief financial officer shall serve as the chief
 45 fiscal officer of the state, and shall settle and approve
 46 accounts against the state, and shall keep all state funds and
 47 securities.

48 (d) The commissioner of agriculture shall have supervision
 49 of matters pertaining to agriculture except as otherwise
 50 provided by law.

51 (e) The insurance commissioner shall have control and
 52 supervision of matters relating to the state fire marshal, risk
 53 management, insurance regulation, insurance fraud,
 54 rehabilitation and liquidation of insurers, insurance agents and
 55 agency services, consumer services, workers' compensation,
 56 insurance consumer advocacy, and funeral and cemetery services.

57 ~~(f)(e)~~ The governor as chair, the chief financial officer,
58 and the attorney general shall constitute the state board of
59 administration, which shall succeed to all the power, control,
60 and authority of the state board of administration established
61 pursuant to Article IX, Section 16 of the Constitution of 1885,
62 and which shall continue as a body at least for the life of
63 Article XII, Section 9(c).

64 ~~(g)(f)~~ The governor as chair, the chief financial officer,
65 the attorney general, and the commissioner of agriculture shall
66 constitute the trustees of the internal improvement trust fund
67 and the land acquisition trust fund as provided by law.

68 ~~(h)(g)~~ The governor as chair, the chief financial officer,
69 the attorney general, and the commissioner of agriculture shall
70 constitute the agency head of the Department of Law Enforcement.

71 ARTICLE VI

72 SUFFRAGE AND ELECTIONS

73 SECTION 8.--Insurance commissioner candidates; campaign
74 contributions prohibited.--An insurance company, a company
75 engaged in the business of funeral or cemetery service, or any
76 other business or company that is under the control and
77 supervision of the insurance commissioner, or any employee or
78 agent of such a company or business, may not make or solicit a
79 contribution for any election to or on behalf of any candidate
80 for the office of insurance commissioner. A candidate for the
81 office of insurance commissioner, or any employee of the
82 insurance commissioner or of any state agency under the control
83 and supervision of the insurance commissioner, may not solicit
84 or accept a campaign contribution from any such company,

85 business, employee, or agent. This section does not prevent any
 86 candidate for the office of insurance commissioner or member of
 87 that candidate's immediate family from contributing to that
 88 candidate's campaign as otherwise permitted by law.

89 ARTICLE XII

90 SCHEDULE

91 SECTION 27. Insurance commissioner.--The amendment to
 92 Section 4 of Article IV and the creation of Section 8 of Article
 93 VI creating the office of insurance commissioner as a cabinet
 94 officer and establishing duties and campaign-contribution
 95 restrictions with respect to that office shall take effect
 96 January 6, 2009, with the office of insurance commissioner
 97 filled initially for a 2-year term at the 2008 general election.

98 BE IT FURTHER RESOLVED that the following statement be
 99 placed on the ballot:

100 CONSTITUTIONAL AMENDMENT

101 ARTICLE IV, SECTION 4;

102 ARTICLE VI, SECTION 8;

103 ARTICLE XII, SECTION 27

104 INSURANCE COMMISSIONER AS CABINET OFFICER; CANDIDATE
 105 CAMPAIGN CONTRIBUTIONS LIMITATION.--Proposing an amendment to
 106 the State Constitution to create the office of Insurance
 107 Commissioner, who will be an elected member of the Cabinet and
 108 responsible for the control and supervision of the State Fire
 109 Marshal, risk management, insurance regulation, insurance fraud,
 110 rehabilitation and liquidation of insurers, insurance agents and
 111 agency services, consumer services, workers' compensation,
 112 insurance consumer advocacy, and funeral and cemetery services;

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113 | to prohibit campaign contributions to, or solicitation of
114 | campaign contributions by or on behalf of, candidates for the
115 | office of Insurance Commissioner from insurance companies,
116 | funeral or cemetery service companies, and other businesses or
117 | companies under the control and supervision of the Insurance
118 | Commissioner and their employees and agents; and to provide an
119 | effective date of January 6, 2009, for such changes and for the
120 | office of Insurance Commissioner to be filled initially for a 2-
121 | year term at the 2008 general election.