

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SJR 1424

INTRODUCER: Senator Bean

SUBJECT: Election of Secretary of State/Membership of Cabinet

DATE: February 15, 2016

REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|----------------|----------------|-----------|--------------------|
| 1. | <u>Fox</u>     | <u>Roberts</u> | <u>EE</u> | <b>Favorable</b>   |
| 2. | <u>Peacock</u> | <u>McVaney</u> | <u>GO</u> | <b>Pre-meeting</b> |
| 3. | _____          | _____          | <u>RC</u> | _____              |

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**I. Summary:**

SJR 1424 makes the Secretary of State a statewide elected office as of the 2018 general election and makes the Secretary a member of the Florida Cabinet.

The joint resolution specifically directs the legislature to enact implementing legislation by January 8, 2019.

If passed by a three-fifths vote of each house of the Legislature, the proposal will be voted on at the general election in November 2016; sixty percent of those voting on the measure is required for approval.

**II. Present Situation:**

A joint resolution is the only authorized method by which the Legislature may propose amendments to the State Constitution. If passed, the proposed amendment would appear on a statewide ballot for voter approval or rejection. It must pass each house by a three-fifths vote of the membership. A joint resolution is also used for redistricting.<sup>1</sup>

Changes to the Florida Constitution can be proposed by a joint resolution of the Legislature, constitutional revision commission, citizens' initiative process, or taxation and budget commission.<sup>2</sup> If the proposed amendment is approved by vote of at least sixty percent of the electors voting on the measure, it will become effective as an amendment on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.<sup>3</sup>

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<sup>1</sup> *The Florida Senate, Glossary*, <http://www.flsenate.gov/Reference/Glossary#resolution> (last visited February 11, 2016).

<sup>2</sup> FLA. CONST. art. XI.

<sup>3</sup> FLA. CONST. art. XI, s. 5.

## Secretary of State

The Secretary of State is the state's chief of elections, chief cultural officer and head of the Department of State.<sup>4</sup> The Department consists of the Office of the Secretary and the Divisions of Administrative Services, Corporations, Cultural Affairs, Elections, Historical Resources, and Library and Information Services.

Since 2003, the position of Florida Secretary of State has been an *appointed, non-Cabinet* post.

Prior to that time, the Secretary was an *elected Cabinet* position — one of six serving members in addition to the Governor. The 2003 change was the result of a 1998 amendment to the Florida Constitution that restructured the Cabinet from 6 to 3 officers<sup>5</sup> (plus the governor), as well as making other governmental operations changes<sup>6</sup>; the amendment was one of several proposed by the Constitution Revision Commission (“CRC”).

### III. Effect of Proposed Changes:

SJR 1424 makes the Secretary of State a statewide elected office as of the 2018 general election and makes the Secretary a member of the Florida Cabinet. As such, the Secretary will be subject to the eight-year term limits applicable to other members of the Cabinet pursuant to Art. VI, section 4, of the Florida Constitution.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>4</sup> See <http://dos.myflorida.com/about-the-department/> (last visited on February 11, 2016).

<sup>5</sup> Florida's Attorney General, Chief Financial Officer, and the Commissioner of Agriculture.

<sup>6</sup> Constitution Revision Commission Amendment 8 (1998), *Restructuring the State Cabinet* (available at Florida Secretary of State's web site at: <http://dos.elections.myflorida.com/initiatives/fulltext/pdf/11-4.pdf> (last accessed January 27, 2016)).

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

According to the Division, the cost to advertise constitutional amendments for the 2014 general election was \$135.97 per word. Using 2014 rates, the cost to advertise this amendment for the 2016 general election could be \$106,328.54 at a minimum.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

SJR 942 by Senator Garcia proposes to make the Commissioner of Education a member of the Florida Cabinet. If both joint resolutions pass and are approved by the electors, the Cabinet will expand from 3 to 5 statewide officers (plus the governor), one member shy of the total number prior to the CRC Cabinet changes that took effect in 2003.

**VIII. Statutes Affected:**

This joint resolution substantially amends Article IV of the Florida Constitution and creates an implementation schedule in Article XII.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.