

By Senator Bean

4-00435A-16

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Senate Joint Resolution

A joint resolution proposing amendments to Sections 3 and 4 of Article IV and the creation of a new section in Article XII of the State Constitution to provide for the election of the Secretary of State and the inclusion of the secretary as a member of the Cabinet.

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

That the following amendments to Sections 3 and 4 of Article IV and the creation of a new section in 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 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four ~~three~~ cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the

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33 legislature or four ~~three~~ cabinet members. Incapacity to serve
34 as governor may also be established by certificate filed with
35 the custodian of state records by the governor declaring
36 incapacity for physical reasons to serve as governor, and in
37 such case restoration of capacity shall be similarly
38 established.

39 SECTION 4. Cabinet.—

40 (a) There shall be a cabinet composed of an attorney
41 general, a chief financial officer, ~~and~~ a commissioner of
42 agriculture, and a secretary of state. In addition to the powers
43 and duties specified herein, they shall exercise such powers and
44 perform such duties as may be prescribed by law. In the event of
45 a tie vote of the governor and cabinet, the side on which the
46 governor voted shall be deemed to prevail.

47 (b) The attorney general shall be the chief state legal
48 officer. There is created in the office of the attorney general
49 the position of statewide prosecutor. The statewide prosecutor
50 shall have concurrent jurisdiction with the state attorneys to
51 prosecute violations of criminal laws occurring or having
52 occurred, in two or more judicial circuits as part of a related
53 transaction, or when any such offense is affecting or has
54 affected two or more judicial circuits as provided by general
55 law. The statewide prosecutor shall be appointed by the attorney
56 general from not less than three persons nominated by the
57 judicial nominating commission for the supreme court, or as
58 otherwise provided by general law.

59 (c) The chief financial officer shall serve as the chief
60 fiscal officer of the state, and shall settle and approve
61 accounts against the state, and shall keep all state funds and

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62 securities.

63 (d) The commissioner of agriculture shall have supervision
64 of matters pertaining to agriculture except as otherwise
65 provided by law.

66 (e) The secretary of state shall keep the records of the
67 official acts of the legislative and executive departments and
68 perform the functions conferred by this constitution upon the
69 custodian of state records.

70 (f)~~(e)~~ The governor as chair, the chief financial officer,
71 and the attorney general shall constitute the state board of
72 administration, which shall succeed to all the power, control,
73 and authority of the state board of administration established
74 pursuant to Article IX, Section 16 of the Constitution of 1885,
75 and which shall continue as a body at least for the life of
76 Article XII, Section 9(c).

77 (g)~~(f)~~ The governor as chair, the chief financial officer,
78 the attorney general, ~~and~~ the commissioner of agriculture, and
79 the secretary of state shall constitute the trustees of the
80 internal improvement trust fund and the land acquisition trust
81 fund as provided by law.

82 (h)~~(g)~~ The governor as chair, the chief financial officer,
83 the attorney general, ~~and~~ the commissioner of agriculture, and
84 the secretary of state shall constitute the agency head of the
85 Department of Law Enforcement.

ARTICLE XII

SCHEDULE

Cabinet reorganization.-

89 (a) The amendments to Sections 3 and 4 of Article IV
90 relating to election of the secretary of state and the inclusion

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91 of the secretary as a member of the cabinet shall take effect
92 January 8, 2019, but shall govern with respect to the qualifying
93 for and the holding of the primary and general elections for the
94 office of the secretary of state in 2018.

95 (b) By January 8, 2019, the legislature shall enact
96 implementing legislation that includes any conforming changes to
97 the Florida Statutes necessitated by the reorganization of the
98 cabinet.

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

101 CONSTITUTIONAL AMENDMENT

102 ARTICLE IV, SECTIONS 3 AND 4

103 ARTICLE XII

104 ELECTION OF SECRETARY OF STATE; MEMBERSHIP OF CABINET.—

105 Proposing an amendment to the State Constitution to provide for
106 the statewide election of the Secretary of State, beginning with
107 the 2018 primary and general elections; revising membership of
108 the Cabinet to include the secretary; making technical revisions
109 necessary to conform the State Constitution to the revised
110 membership of the Cabinet; and requiring the Legislature to
111 enact implementing legislation. Under current law, the secretary
112 is appointed by and serves at the pleasure of the Governor.