

By Senator Bean

4-00028A-17

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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 his or her inclusion 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.

86 ARTICLE XII

87 SCHEDULE

88 Cabinet reorganization.-

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

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91 of the cabinet shall take effect June 1, 2019. For the term  
92 beginning June 1, 2019, and continuing through January 3, 2023,  
93 the secretary of state shall be appointed by the governor,  
94 subject to confirmation by the senate. The secretary of state  
95 must be an elector of at least 30 years of age who has resided  
96 in the state for the preceding seven years at the time of the  
97 governor's appointment. Beginning with the 2022 statewide  
98 general election and every four years thereafter, the office of  
99 secretary of state shall be filled by election in conformance  
100 with Section 5(a), Article IV.

101 (b) By June 1, 2019, the legislature shall enact  
102 implementing legislation that includes any conforming changes to  
103 the Florida Statutes necessitated by the reorganization of the  
104 cabinet.

105 BE IT FURTHER RESOLVED that the following statement be  
106 placed on the ballot:

107 CONSTITUTIONAL AMENDMENT

108 ARTICLE IV, SECTIONS 3 AND 4

109 ARTICLE XII

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

111 Revises the membership of the Cabinet, effective June 1, 2019,  
112 to include the Secretary of State, whom the Governor shall  
113 appoint, subject to Senate confirmation, for a term ending  
114 January 3, 2023; and thereafter provides for the statewide  
115 election of the secretary, beginning in 2022. The Legislature  
116 shall implement the amendment by law. Currently, the secretary  
117 is appointed by and serves at the pleasure of the Governor and  
118 is not a Cabinet member.