By Senator Bean

4-00028A-17

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

SECTION 4. Cabinet.—

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

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

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and
(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

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

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

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

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

ARTICLE XII

SCHEDULE

Cabinet reorganization.—

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

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

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

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

CONSTITUTIONAL AMENDMENT
ARTICLE IV, SECTIONS 3 AND 4
ARTICLE XII
MEMBERSHIP OF CABINET; ELECTION OF SECRETARY OF STATE.—Revises the membership of the Cabinet, effective June 1, 2019, to include the Secretary of State, whom the Governor shall appoint, subject to Senate confirmation, for a term ending January 3, 2023; and thereafter provides for the statewide election of the secretary, beginning in 2022. The Legislature shall implement the amendment by law. Currently, the secretary is appointed by and serves at the pleasure of the Governor and is not a Cabinet member.