

By Senator Steube

23-01540-17

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Senate Joint Resolution

A joint resolution proposing amendments to Section 17 of Article III and Section 7 of Article IV and the creation of a new section in Article XII of the State Constitution to authorize the House of Representatives to impeach state attorneys and public defenders for misdemeanors in office and subject them to trial by the Senate, if impeached; preserve the Governor's existing authority to suspend state attorneys and public defenders from office; and to provide that state attorneys and public defenders who hold office on or after the amendment's effective date are subject to impeachment.

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

That the following amendments to Section 17 of Article III and Section 7 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 III

LEGISLATURE

SECTION 17. Impeachment.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, judges of circuit courts, ~~and~~ judges of county courts, state attorneys, and public defenders shall be liable to

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30 impeachment for misdemeanor in office. The house of  
31 representatives by two-thirds vote shall have the power to  
32 impeach an officer. The speaker of the house of representatives  
33 shall have power at any time to appoint a committee to  
34 investigate charges against any officer subject to impeachment.

35 (b) An officer impeached by the house of representatives  
36 shall be disqualified from performing any official duties until  
37 acquitted by the senate, and, unless impeached, the governor may  
38 by appointment fill the office until completion of the trial.

39 (c) All impeachments by the house of representatives shall  
40 be tried by the senate. The chief justice of the supreme court,  
41 or another justice designated by the chief justice, shall  
42 preside at the trial, except in a trial of the chief justice, in  
43 which case the governor shall preside. The senate shall  
44 determine the time for the trial of any impeachment and may sit  
45 for the trial whether the house of representatives be in session  
46 or not. The time fixed for trial shall not be more than six  
47 months after the impeachment. During an impeachment trial  
48 senators shall be upon their oath or affirmation. No officer  
49 shall be convicted without the concurrence of two-thirds of the  
50 members of the senate present. Judgment of conviction in cases  
51 of impeachment shall remove the offender from office and, in the  
52 discretion of the senate, may include disqualification to hold  
53 any office of honor, trust or profit. Conviction or acquittal  
54 shall not affect the civil or criminal responsibility of the  
55 officer.

56  
57 ARTICLE IV

## 58 EXECUTIVE

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59 SECTION 7. Suspensions; filling office during suspensions.-

60 (a) By executive order stating the grounds and filed with  
61 the custodian of state records, the governor may suspend from  
62 office any state officer except as provided in subsection (d)  
63 ~~not subject to impeachment~~, any officer of the militia not in  
64 the active service of the United States, or any county officer,  
65 for malfeasance, misfeasance, neglect of duty, drunkenness,  
66 incompetence, permanent inability to perform official duties, or  
67 commission of a felony, and may fill the office by appointment  
68 for the period of suspension. The suspended officer may at any  
69 time before removal be reinstated by the governor.

70 (b) The senate may, in proceedings prescribed by law,  
71 remove from office or reinstate the suspended official and for  
72 such purpose the senate may be convened in special session by  
73 its president or by a majority of its membership.

74 (c) By order of the governor any elected municipal officer  
75 indicted for crime may be suspended from office until acquitted  
76 and the office filled by appointment for the period of  
77 suspension, not to extend beyond the term, unless these powers  
78 are vested elsewhere by law or the municipal charter.

79 (d) The lieutenant governor, members of the cabinet,  
80 justices of the supreme court, judges of district courts of  
81 appeal, judges of circuit courts, and judges of county courts  
82 are not subject to suspension from office by the governor.

83  
84 ARTICLE XII

85 SCHEDULE

86 Impeachment of state attorneys and public defenders.-The  
87 amendment to Section 17 of Article III authorizing impeachment

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88 of state attorneys and public defenders applies to state  
89 attorneys and public defenders who hold office on or after the  
90 effective date of the amendment.

91  
92 BE IT FURTHER RESOLVED that the following statement be  
93 placed on the ballot:

94 CONSTITUTIONAL AMENDMENT

95 ARTICLE III, SECTION 17

96 ARTICLE IV, SECTION 7

97 ARTICLE XII

98 IMPEACHMENT AND SUSPENSION OF STATE ATTORNEYS AND PUBLIC  
99 DEFENDERS.—Proposing an amendment to the State Constitution to  
100 authorize the House of Representatives to impeach state  
101 attorneys and public defenders for misdemeanors in office and  
102 the Senate to conduct a trial in the event of impeachment. The  
103 amendment preserves the Governor's existing authority to suspend  
104 state attorneys and public defenders from office; and provides  
105 that state attorneys and public defenders who hold office on or  
106 after the amendment's effective date are subject to impeachment.