

House Joint Resolution

A joint resolution proposing amendments to Section 17 of Article III and Section 7 of Article IV 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, and preserve the Governor's existing authority to suspend state attorneys and public defenders from office.

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 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

26 | impeachment for misdemeanor in office. The house of
27 | representatives by two-thirds vote shall have the power to
28 | impeach an officer. The speaker of the house of representatives
29 | shall have power at any time to appoint a committee to
30 | investigate charges against any officer subject to impeachment.

31 | (b) An officer impeached by the house of representatives
32 | shall be disqualified from performing any official duties until
33 | acquitted by the senate, and, unless impeached, the governor may
34 | by appointment fill the office until completion of the trial.

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

51 officer.

52

53

ARTICLE IV

54

EXECUTIVE

55

SECTION 7. Suspensions; filling office during

56

suspensions.—

57

(a) By executive order stating the grounds and filed with

58

the custodian of state records, the governor may suspend from

59

office any state officer except as provided in subsection (d)

60

~~not subject to impeachment~~, any officer of the militia not in

61

the active service of the United States, or any county officer,

62

for malfeasance, misfeasance, neglect of duty, drunkenness,

63

incompetence, permanent inability to perform official duties, or

64

commission of a felony, and may fill the office by appointment

65

for the period of suspension. The suspended officer may at any

66

time before removal be reinstated by the governor.

67

(b) The senate may, in proceedings prescribed by law,

68

remove from office or reinstate the suspended official and for

69

such purpose the senate may be convened in special session by

70

its president or by a majority of its membership.

71

(c) By order of the governor any elected municipal officer

72

indicted for crime may be suspended from office until acquitted

73

and the office filled by appointment for the period of

74

suspension, not to extend beyond the term, unless these powers

75

are vested elsewhere by law or the municipal charter.

HJR 999

2017

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

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

83 CONSTITUTIONAL AMENDMENTS

84 ARTICLE III, SECTION 17

85 ARTICLE IV, SECTION 7

86 IMPEACHMENT AND SUSPENSION OF STATE ATTORNEYS AND PUBLIC
87 DEFENDERS.—Proposing amendments to the State Constitution to
88 authorize the House of Representatives to impeach state
89 attorneys and public defenders for misdemeanors in office and
90 subject them to trial by the Senate, if impeached. The
91 amendments preserve the Governor's existing authority to suspend
92 state attorneys and public defenders from office.