

By Senator Taddeo

40-00184-21

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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 establish the position of Commissioner of Insurance as a statewide elected officer and to provide for the commissioner's inclusion on 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

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30 supreme court upon due notice after docketing of a written  
31 suggestion thereof by four ~~three~~ cabinet members, and in such  
32 case restoration of capacity shall be similarly determined after  
33 docketing of written suggestion thereof by the governor, the  
34 legislature or four ~~three~~ cabinet members. Incapacity to serve  
35 as governor may also be established by certificate filed with  
36 the custodian of state records by the governor declaring  
37 incapacity for physical reasons to serve as governor, and in  
38 such case restoration of capacity shall be similarly  
39 established.

40 SECTION 4. Cabinet.—

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

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

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59 otherwise provided by general law.

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

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

67 (e) The commissioner of insurance shall have supervision of  
68 matters pertaining to insurance except as otherwise provided by  
69 law.

70 (f) The governor as chair, the chief financial officer, and  
71 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 commissioner of insurance shall constitute the trustees of  
80 the internal improvement trust fund and the land acquisition  
81 trust 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 commissioner of insurance shall constitute the agency head  
85 of the Department of Law Enforcement. The Office of Domestic  
86 Security and Counterterrorism is created within the Department  
87 of Law Enforcement. The Office of Domestic Security and

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88 Counterterrorism shall provide support for prosecutors and  
 89 federal, state, and local law enforcement agencies that  
 90 investigate or analyze information relating to attempts or acts  
 91 of terrorism or that prosecute terrorism, and shall perform any  
 92 other duties that are provided by law.

93 ARTICLE XII

94 SCHEDULE

95 Election of commissioner of insurance.-

96 (a) The amendment establishing the office of commissioner  
 97 of insurance as an elected cabinet office shall take effect  
 98 January 5, 2027, but shall govern with respect to the qualifying  
 99 for and the holding of the 2026 primary and general elections  
 100 for the office of commissioner of insurance.

101 (b) Before January 5, 2027, the legislature shall enact  
 102 implementing legislation that includes any conforming changes to  
 103 the Florida Statutes necessitated by the election of the  
 104 commissioner of insurance, including, but not limited to,  
 105 revising the structure and powers of the Financial Services  
 106 Commission.

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

109 CONSTITUTIONAL AMENDMENT

110 ARTICLE IV, SECTIONS 3 AND 4

111 ARTICLE XII

112 MEMBERSHIP OF CABINET; ELECTION OF COMMISSIONER OF  
 113 INSURANCE.—Proposing an amendment to the State Constitution to  
 114 establish the office of Commissioner of Insurance as a statewide  
 115 elected office, beginning with the 2026 election, and to include  
 116 the commissioner as a member of the Cabinet. Requires the

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117 Legislature to implement the amendment by law. Currently, the  
118 commissioner is appointed by the Financial Services Commission  
119 and is not a member of the Cabinet, and the Office of Insurance  
120 Regulation is established under that commission.