

House Joint Resolution

1
2 A joint resolution proposing the repeal of Section 2
3 of Article IV of the State Constitution, relating to
4 the creation of the office of Lieutenant Governor;
5 repeal of subsection (i) of Section 19 of Article III
6 of the State Constitution, relating to the creation of
7 the Government Efficiency Task Force; amendments to
8 Section 2 of Article II, Sections 2 and 17 of Article
9 III, Sections 3, 4, 5, and 6 of Article IV, Section 4
10 of Article VI of the State Constitution; and the
11 creation of a new section in Article XII of the State
12 Constitution to revise provisions relating to auditing
13 and government efficiency, create the office of the
14 Commissioner of Government Efficiency as a Cabinet
15 officer, revise provisions relating to succession to
16 the office of Governor if there is a vacancy or in the
17 case of impeachment or incapacity, and to submit to
18 the electorate, during a specified election year, a
19 ballot question regarding whether to repeal the office
20 of the Commissioner of Government Efficiency.

21
22 Be It Resolved by the Legislature of the State of Florida:

23
24 That the following repeal of Section 2 of Article IV and
25 subsection (i) of Section 19 of Article III of the State

26 Constitution; amendments to Section 2 of Article II, Sections 2
 27 and 17 of Article III, Sections 3, 4, 5, and 6 of Article IV,
 28 Section 4 of Article VI of the State Constitution; and the
 29 creation of a new section in Article XII of the State
 30 Constitution are agreed to and shall be submitted to the
 31 electors of this state for approval or rejection at the next
 32 general election or at an earlier special election specifically
 33 authorized by law for that purpose:

34 ARTICLE II

35 GENERAL PROVISIONS

36 SECTION 2. Seat of government.—The seat of government
 37 shall be the City of Tallahassee, in Leon County, where the
 38 offices of the governor, ~~lieutenant governor,~~ cabinet members,
 39 and the supreme court shall be maintained and the sessions of
 40 the legislature shall be held; provided that, in time of
 41 invasion or grave emergency, the governor by proclamation may
 42 for the period of the emergency transfer the seat of government
 43 to another place.

44 ARTICLE III

45 LEGISLATURE

46 SECTION 2. Members; officers.—Each house shall be the sole
 47 judge of the qualifications, elections, and returns of its
 48 members, and shall biennially choose its officers, including a
 49 permanent presiding officer selected from its membership, who
 50 shall be designated in the senate as President of the Senate,

51 and in the house as Speaker of the House of Representatives. The
52 senate shall designate a Secretary to serve at its pleasure, and
53 the house of representatives shall designate a Clerk to serve at
54 its pleasure. ~~The legislature shall appoint an auditor to serve~~
55 ~~at its pleasure who shall audit public records and perform~~
56 ~~related duties as prescribed by law or concurrent resolution.~~

57 SECTION 17. Impeachment.—

58 (a) The governor, ~~lieutenant governor,~~ members of the
59 cabinet, justices of the supreme court, judges of district
60 courts of appeal, judges of circuit courts, and judges of county
61 courts shall be liable to impeachment for misdemeanor in office.
62 The house of representatives by two-thirds vote shall have the
63 power to impeach an officer. The speaker of the house of
64 representatives shall have power at any time to appoint a
65 committee to investigate charges against any officer subject to
66 impeachment.

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

71 (c) All impeachments by the house of representatives shall
72 be tried by the senate. The chief justice of the supreme court,
73 or another justice designated by the chief justice, shall
74 preside at the trial, except in a trial of the chief justice, in
75 which case the governor shall preside. The senate shall

76 determine the time for the trial of any impeachment and may sit
77 for the trial whether the house of representatives be in session
78 or not. The time fixed for trial shall not be more than six
79 months after the impeachment. During an impeachment trial
80 senators shall be upon their oath or affirmation. No officer
81 shall be convicted without the concurrence of two-thirds of the
82 members of the senate present. Judgment of conviction in cases
83 of impeachment shall remove the offender from office and, in the
84 discretion of the senate, may include disqualification to hold
85 any office of honor, trust or profit. Conviction or acquittal
86 shall not affect the civil or criminal responsibility of the
87 officer.

88 SECTION 19. State Budgeting, Planning and Appropriations
89 Processes.—

90 (a) ANNUAL BUDGETING.

91 (1) General law shall prescribe the adoption of annual
92 state budgetary and planning processes and require that detail
93 reflecting the annualized costs of the state budget and
94 reflecting the nonrecurring costs of the budget requests shall
95 accompany state department and agency legislative budget
96 requests, the governor's recommended budget, and appropriation
97 bills.

98 (2) Unless approved by a three-fifths vote of the
99 membership of each house, appropriations made for recurring
100 purposes from nonrecurring general revenue funds for any fiscal

101 year shall not exceed three percent of the total general revenue
 102 funds estimated to be available at the time such appropriation
 103 is made.

104 (3) As prescribed by general law, each state department
 105 and agency shall be required to submit a legislative budget
 106 request that is based upon and that reflects the long-range
 107 financial outlook adopted by the joint legislative budget
 108 commission or that specifically explains any variance from the
 109 long-range financial outlook contained in the request.

110 (4) For purposes of this section, the terms department and
 111 agency shall include the judicial branch.

112 (b) APPROPRIATION BILLS FORMAT. Separate sections within
 113 the general appropriation bill shall be used for each major
 114 program area of the state budget; major program areas shall
 115 include: education enhancement "lottery" trust fund items;
 116 education (all other funds); human services; criminal justice
 117 and corrections; natural resources, environment, growth
 118 management, and transportation; general government; and judicial
 119 branch. Each major program area shall include an itemization of
 120 expenditures for: state operations; state capital outlay; aid to
 121 local governments and nonprofit organizations operations; aid to
 122 local governments and nonprofit organizations capital outlay;
 123 federal funds and the associated state matching funds; spending
 124 authorizations for operations; and spending authorizations for
 125 capital outlay. Additionally, appropriation bills passed by the

126 legislature shall include an itemization of specific
127 appropriations that exceed one million dollars (\$1,000,000.00)
128 in 1992 dollars. For purposes of this subsection, "specific
129 appropriation," "itemization," and "major program area" shall be
130 defined by law. This itemization threshold shall be adjusted by
131 general law every four years to reflect the rate of inflation or
132 deflation as indicated in the Consumer Price Index for All Urban
133 Consumers, U.S. City Average, All Items, or successor reports as
134 reported by the United States Department of Labor, Bureau of
135 Labor Statistics or its successor. Substantive bills containing
136 appropriations shall also be subject to the itemization
137 requirement mandated under this provision and shall be subject
138 to the governor's specific appropriation veto power described in
139 Article III, Section 8.

140 (c) APPROPRIATIONS PROCESS.

141 (1) No later than September 15 of each year, the joint
142 legislative budget commission shall issue a long-range financial
143 outlook setting out recommended fiscal strategies for the state
144 and its departments and agencies in order to assist the
145 legislature in making budget decisions. The long-range financial
146 outlook must include major workload and revenue estimates. In
147 order to implement this paragraph, the joint legislative budget
148 commission shall use current official consensus estimates and
149 may request the development of additional official estimates.

150 (2) The joint legislative budget commission shall seek
 151 input from the public and from the executive and judicial
 152 branches when developing and recommending the long-range
 153 financial outlook.

154 (3) The legislature shall prescribe by general law
 155 conditions under which limited adjustments to the budget, as
 156 recommended by the governor or the chief justice of the supreme
 157 court, may be approved without the concurrence of the full
 158 legislature.

159 (d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general
 160 appropriation bills shall be furnished to each member of the
 161 legislature, each member of the cabinet, the governor, and the
 162 chief justice of the supreme court at least seventy-two hours
 163 before final passage by either house of the legislature of the
 164 bill in the form that will be presented to the governor.

165 (e) FINAL BUDGET REPORT. A final budget report shall be
 166 prepared as prescribed by general law. The final budget report
 167 shall be produced no later than the 120th day after the
 168 beginning of the fiscal year, and copies of the report shall be
 169 furnished to each member of the legislature, the head of each
 170 department and agency of the state, the auditor general, and the
 171 chief justice of the supreme court.

172 (f) TRUST FUNDS.

173 (1) No trust fund of the State of Florida or other public
 174 body may be created or re-created by law without a three-fifths

175 | vote of the membership of each house of the legislature in a
176 | separate bill for that purpose only.

177 | (2) State trust funds shall terminate not more than four
178 | years after the effective date of the act authorizing the
179 | initial creation of the trust fund. By law the legislature may
180 | set a shorter time period for which any trust fund is
181 | authorized.

182 | (3) Trust funds required by federal programs or mandates;
183 | trust funds established for bond covenants, indentures, or
184 | resolutions, whose revenues are legally pledged by the state or
185 | public body to meet debt service or other financial requirements
186 | of any debt obligations of the state or any public body; the
187 | state transportation trust fund; the trust fund containing the
188 | net annual proceeds from the Florida Education Lotteries; the
189 | Florida retirement trust fund; trust funds for institutions
190 | under the management of the Board of Governors, where such trust
191 | funds are for auxiliary enterprises and contracts, grants, and
192 | donations, as those terms are defined by general law; trust
193 | funds that serve as clearing funds or accounts for the chief
194 | financial officer or state agencies; trust funds that account
195 | for assets held by the state in a trustee capacity as an agent
196 | or fiduciary for individuals, private organizations, or other
197 | governmental units; and other trust funds authorized by this
198 | Constitution, are not subject to the requirements set forth in
199 | paragraph (2) of this subsection.

200 (4) All cash balances and income of any trust funds
201 abolished under this subsection shall be deposited into the
202 general revenue fund.

203 (g) BUDGET STABILIZATION FUND. Subject to the provisions
204 of this subsection, an amount equal to at least 5% of the last
205 completed fiscal year's net revenue collections for the general
206 revenue fund shall be retained in the budget stabilization fund.
207 The budget stabilization fund's principal balance shall not
208 exceed an amount equal to 10% of the last completed fiscal
209 year's net revenue collections for the general revenue fund. The
210 legislature shall provide criteria for withdrawing funds from
211 the budget stabilization fund in a separate bill for that
212 purpose only and only for the purpose of covering revenue
213 shortfalls of the general revenue fund or for the purpose of
214 providing funding for an emergency, as defined by general law.
215 General law shall provide for the restoration of this fund. The
216 budget stabilization fund shall be comprised of funds not
217 otherwise obligated or committed for any purpose.

218 (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
219 AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide
220 for a long-range state planning document. The governor shall
221 recommend to the legislature biennially any revisions to the
222 long-range state planning document, as defined by law. General
223 law shall require a biennial review and revision of the long-
224 range state planning document and shall require all departments

225 and agencies of state government to develop planning documents
226 that identify statewide strategic goals and objectives,
227 consistent with the long-range state planning document. The
228 long-range state planning document and department and agency
229 planning documents shall remain subject to review and revision
230 by the legislature. The long-range state planning document must
231 include projections of future needs and resources of the state
232 which are consistent with the long-range financial outlook. The
233 department and agency planning documents shall include a
234 prioritized listing of planned expenditures for review and
235 possible reduction in the event of revenue shortfalls, as
236 defined by general law.

237 ~~(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than~~
238 ~~January of 2007, and each fourth year thereafter, the president~~
239 ~~of the senate, the speaker of the house of representatives, and~~
240 ~~the governor shall appoint a government efficiency task force,~~
241 ~~the membership of which shall be established by general law. The~~
242 ~~task force shall be composed of members of the legislature and~~
243 ~~representatives from the private and public sectors who shall~~
244 ~~develop recommendations for improving governmental operations~~
245 ~~and reducing costs. Staff to assist the task force in performing~~
246 ~~its duties shall be assigned by general law, and the task force~~
247 ~~may obtain assistance from the private sector. The task force~~
248 ~~shall complete its work within one year and shall submit its~~

249 ~~recommendations to the joint legislative budget commission, the~~
250 ~~governor, and the chief justice of the supreme court.~~

251 (i)~~(j)~~ JOINT LEGISLATIVE BUDGET COMMISSION. There is
252 created within the legislature the joint legislative budget
253 commission composed of equal numbers of senate members appointed
254 by the president of the senate and house members appointed by
255 the speaker of the house of representatives. Each member shall
256 serve at the pleasure of the officer who appointed the member. A
257 vacancy on the commission shall be filled in the same manner as
258 the original appointment. From November of each odd-numbered
259 year through October of each even-numbered year, the chairperson
260 of the joint legislative budget commission shall be appointed by
261 the president of the senate and the vice chairperson of the
262 commission shall be appointed by the speaker of the house of
263 representatives. From November of each even-numbered year
264 through October of each odd-numbered year, the chairperson of
265 the joint legislative budget commission shall be appointed by
266 the speaker of the house of representatives and the vice
267 chairperson of the commission shall be appointed by the
268 president of the senate. The joint legislative budget commission
269 shall be governed by the joint rules of the senate and the house
270 of representatives, which shall remain in effect until repealed
271 or amended by concurrent resolution. The commission shall
272 convene at least quarterly and shall convene at the call of the
273 president of the senate and the speaker of the house of

274 representatives. A majority of the commission members of each
 275 house plus one additional member from either house constitutes a
 276 quorum. Action by the commission requires a majority vote of the
 277 commission members present of each house. The commission may
 278 conduct its meetings through teleconferences or similar means.
 279 In addition to the powers and duties specified in this
 280 subsection, the joint legislative budget commission shall
 281 exercise all other powers and perform any other duties not in
 282 conflict with paragraph (c) (3) and as prescribed by general law
 283 or joint rule.

284 ARTICLE IV

285 EXECUTIVE

286 ~~SECTION 2. Lieutenant governor. There shall be a~~
 287 ~~lieutenant governor, who shall perform such duties pertaining to~~
 288 ~~the office of governor as shall be assigned by the governor,~~
 289 ~~except when otherwise provided by law, and such other duties as~~
 290 ~~may be prescribed by law.~~

291 SECTION 3. Succession to office of governor; acting
 292 governor.—

293 (a) ~~Upon vacancy in the office of governor, the lieutenant~~
 294 ~~governor shall become governor. Further~~ Succession to the office
 295 of governor shall be prescribed by law when there is a vacancy
 296 in the office of governor. A successor shall serve for the
 297 remainder of the term.

298 (b) Upon impeachment of the governor and until completion
 299 of trial thereof, or during the governor's physical or mental
 300 incapacity, general law shall prescribe who ~~the lieutenant~~
 301 ~~governor~~ shall act as governor. Further succession as acting
 302 governor may ~~shall~~ be prescribed by law. Incapacity to serve as
 303 governor may be determined by the supreme court upon due notice
 304 after docketing of a written suggestion thereof by three cabinet
 305 members, and in such case restoration of capacity shall be
 306 similarly determined after docketing of written suggestion
 307 thereof by the governor, the legislature or three cabinet
 308 members. Incapacity to serve as governor may also be established
 309 by certificate filed with the custodian of state records by the
 310 governor declaring incapacity for physical reasons to serve as
 311 governor, and in such case restoration of capacity shall be
 312 similarly established.

313 SECTION 4. Cabinet.—

314 (a) There shall be a cabinet composed of an attorney
 315 general, a chief financial officer, ~~and~~ a commissioner of
 316 agriculture, and a commissioner of government efficiency. In
 317 addition to the powers and duties specified herein, they shall
 318 exercise such powers and perform such duties as may be
 319 prescribed by law. ~~In the event of a tie vote of the governor~~
 320 ~~and cabinet, the side on which the governor voted shall be~~
 321 ~~deemed to prevail.~~

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

334 (c) The chief financial officer shall serve as the chief
335 fiscal officer of the state, and shall settle and approve
336 accounts against the state, and shall keep all state funds and
337 securities.

338 (d) The commissioner of agriculture shall have supervision
339 of matters pertaining to agriculture except as otherwise
340 provided by law.

341 (e) The commissioner of government efficiency shall have
342 the power to audit, investigate, and report on fraud, waste, and
343 abuse exclusively within the executive branch of state
344 government and within counties, municipalities, and special
345 districts as provided by law.

346 (f)~~(e)~~ The governor as chair, the chief financial officer,
 347 ~~and the attorney general, and the commissioner of government~~
 348 efficiency shall constitute the state board of administration,
 349 which shall succeed to all the power, control, and authority of
 350 the state board of administration established pursuant to
 351 Article IX, Section 16 of the Constitution of 1885, and which
 352 shall continue as a body at least for the life of Article XII,
 353 Section 9(c).

354 (g)~~(f)~~ The governor as chair, the chief financial officer,
 355 the attorney general, ~~and the commissioner of agriculture, and~~
 356 the commissioner of government efficiency shall constitute the
 357 trustees of the internal improvement trust fund and the land
 358 acquisition trust fund as provided by law.

359 (h)~~(g)~~ The governor as chair, the chief financial officer,
 360 the attorney general, ~~and the commissioner of agriculture, and~~
 361 the commissioner of government efficiency shall constitute the
 362 agency head of the Department of Law Enforcement. The Office of
 363 Domestic Security and Counterterrorism is created within the
 364 Department of Law Enforcement. The Office of Domestic Security
 365 and Counterterrorism shall provide support for prosecutors and
 366 federal, state, and local law enforcement agencies that
 367 investigate or analyze information relating to attempts or acts
 368 of terrorism or that prosecute terrorism, and shall perform any
 369 other duties that are provided by law.

370 SECTION 5. Election of governor, ~~lieutenant governor~~ and
 371 cabinet members; qualifications; terms.—

372 (a) At a state-wide general election in each calendar year
 373 the number of which is even but not a multiple of four, the
 374 electors shall choose a governor ~~and a lieutenant governor~~ and
 375 members of the cabinet each for a term of four years beginning
 376 on the first Tuesday after the first Monday in January of the
 377 succeeding year. ~~In primary elections, candidates for the office~~
 378 ~~of governor may choose to run without a lieutenant governor~~
 379 ~~candidate. In the general election, all candidates for the~~
 380 ~~offices of governor and lieutenant governor shall form joint~~
 381 ~~candidacies in a manner prescribed by law so that each voter~~
 382 ~~shall cast a single vote for a candidate for governor and a~~
 383 ~~candidate for lieutenant governor running together.~~

384 (b) When elected, the governor, ~~lieutenant governor~~ and
 385 each cabinet member must be an elector not less than thirty
 386 years of age who has resided in the state for the preceding
 387 seven years. The attorney general must have been a member of the
 388 bar of Florida for the preceding five years. No person who has,
 389 or but for resignation would have, served as governor or acting
 390 governor for more than six years in two consecutive terms shall
 391 be elected governor for the succeeding term.

392 SECTION 6. Executive departments.—All functions of the
 393 executive branch of state government shall be allotted among not
 394 more than twenty-five departments, exclusive of those

395 specifically provided for or authorized in this constitution.
 396 The administration of each department, unless otherwise provided
 397 in this constitution, shall be placed by law under the direct
 398 supervision of the governor, ~~the lieutenant governor,~~ the
 399 governor and cabinet, a cabinet member, or an officer or board
 400 appointed by and serving at the pleasure of the governor,
 401 except:

402 (a) When provided by law, confirmation by the senate or
 403 the approval of three members of the cabinet shall be required
 404 for appointment to or removal from any designated statutory
 405 office.

406 (b) Boards authorized to grant and revoke licenses to
 407 engage in regulated occupations shall be assigned to appropriate
 408 departments and their members appointed for fixed terms, subject
 409 to removal only for cause.

410 ARTICLE VI

411 SUFFRAGE AND ELECTIONS

412 SECTION 4. Disqualifications.—

413 (a) No person convicted of a felony, or adjudicated in
 414 this or any other state to be mentally incompetent, shall be
 415 qualified to vote or hold office until restoration of civil
 416 rights or removal of disability. Except as provided in
 417 subsection (b) of this section, any disqualification from voting
 418 arising from a felony conviction shall terminate and voting

419 | rights shall be restored upon completion of all terms of
 420 | sentence including parole or probation.

421 | (b) No person convicted of murder or a felony sexual
 422 | offense shall be qualified to vote until restoration of civil
 423 | rights.

424 | (c) No person may appear on the ballot for re-election to
 425 | any of the following offices:

- 426 | (1) Florida representative,
- 427 | (2) Florida senator,
- 428 | ~~(3) Florida Lieutenant governor,~~
- 429 | (3)(4) any office of the Florida cabinet,
- 430 | (4)(5) U.S. Representative from Florida, or
- 431 | (5)(6) U.S. Senator from Florida

432 |
 433 | if, by the end of the current term of office, the person will
 434 | have served (or, but for resignation, would have served) in that
 435 | office for eight consecutive years.

436 | ARTICLE XII

437 | SCHEDULE

438 | Implementation of amendments relating to the office of the
 439 | commissioner of government efficiency.-

440 | (a) The amendments to Section 19 of Article III and
 441 | Section 4 of Article IV and the creation of this section shall
 442 | take effect upon approval by the electors.

443 (b) Appointment to the office of the commissioner of
444 government efficiency is not subject to Section 1(f) of Article
445 IV, relating to the appointment of any vacancy in state or
446 county office, but the office shall remain vacant until
447 legislative appointment pursuant to subsection (c).

448 (c) No later than March 2, 2027, the president of the
449 senate and the speaker of the house of representatives shall
450 convene the legislature to appoint a person to the office of the
451 commissioner of government efficiency, who shall serve until
452 such time as a person is elected to the office at the 2028
453 general election. The person appointed to the office of the
454 commissioner of government efficiency may not seek election to
455 fill such office as described in subsection (e). The
456 commissioner shall be appointed by the legislature by concurrent
457 resolution.

458 (d) Following legislative appointment of a commissioner of
459 government efficiency pursuant to subsection (c), the office
460 becomes subject to Section 1(f) of Article IV.

461 (e) At the 2028 general election, the office of the
462 commissioner of government efficiency shall be filled by
463 election pursuant to subsection (c), and, beginning with the
464 2030 general election, the office of the commissioner of
465 government efficiency shall be filled by election pursuant to
466 Section 5(a) of Article IV.

467 (f) At the 2044 general election, the following question
 468 shall be placed on the ballot:

469
 470 ARTICLE IV, SECTION 4
 471 REPEAL OF OFFICE OF COMMISSIONER OF GOVERNMENT EFFICIENCY.—
 472 Shall the office of the commissioner of government efficiency be
 473 repealed from the constitution?

474
 475 If the repeal of the office of the commissioner of government
 476 efficiency is approved by the electorate, the office shall be
 477 repealed on December 31, 2046, and all references to the office
 478 of the commissioner of government efficiency shall be removed
 479 from the constitution.

480
 481 BE IT FURTHER RESOLVED that the following statement be
 482 placed on the ballot:

483 CONSTITUTIONAL AMENDMENTS
 484 ARTICLE II, SECTION 2
 485 ARTICLE III, SECTIONS 2, 17, AND 19
 486 ARTICLE IV, SECTIONS 2, 3, 4, 5, AND 6
 487 ARTICLE VI, SECTION 4
 488 ARTICLE XII
 489 CREATION OF OFFICE OF COMMISSIONER OF GOVERNMENT EFFICIENCY
 490 AND REPEAL OF OFFICE OF LIEUTENANT GOVERNOR.—Proposing
 491 amendments to the State Constitution to repeal the creation of

492 | the office of Lieutenant Governor, the office of Legislative
493 | Auditor, and the Government Efficiency Task Force, to create the
494 | office of the Commissioner of Government Efficiency as a Cabinet
495 | officer, and to revise provisions relating to government
496 | efficiency and succession to the office of Governor if there is
497 | a vacancy or in the case of impeachment or incapacity.