

House Joint Resolution

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

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

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

26 Constitution; amendments to Section 2 of Article II, Section 17
 27 of Article III, Sections 3, 4, 5, and 6 of Article IV, and
 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 17. Impeachment.—

47 (a) The governor, ~~lieutenant governor~~, members of the
 48 cabinet, justices of the supreme court, judges of district
 49 courts of appeal, judges of circuit courts, and judges of county
 50 courts shall be liable to impeachment for misdemeanor in office.

51 The house of representatives by two-thirds vote shall have the
52 power to impeach an officer. The speaker of the house of
53 representatives shall have power at any time to appoint a
54 committee to investigate charges against any officer subject to
55 impeachment.

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

60 (c) All impeachments by the house of representatives shall
61 be tried by the senate. The chief justice of the supreme court,
62 or another justice designated by the chief justice, shall
63 preside at the trial, except in a trial of the chief justice, in
64 which case the governor shall preside. The senate shall
65 determine the time for the trial of any impeachment and may sit
66 for the trial whether the house of representatives be in session
67 or not. The time fixed for trial shall not be more than six
68 months after the impeachment. During an impeachment trial
69 senators shall be upon their oath or affirmation. No officer
70 shall be convicted without the concurrence of two-thirds of the
71 members of the senate present. Judgment of conviction in cases
72 of impeachment shall remove the offender from office and, in the
73 discretion of the senate, may include disqualification to hold
74 any office of honor, trust or profit. Conviction or acquittal

75 | shall not affect the civil or criminal responsibility of the
76 | officer.

77 | SECTION 19. State Budgeting, Planning and Appropriations
78 | Processes.—

79 | (a) ANNUAL BUDGETING.

80 | (1) General law shall prescribe the adoption of annual
81 | state budgetary and planning processes and require that detail
82 | reflecting the annualized costs of the state budget and
83 | reflecting the nonrecurring costs of the budget requests shall
84 | accompany state department and agency legislative budget
85 | requests, the governor's recommended budget, and appropriation
86 | bills.

87 | (2) Unless approved by a three-fifths vote of the
88 | membership of each house, appropriations made for recurring
89 | purposes from nonrecurring general revenue funds for any fiscal
90 | year shall not exceed three percent of the total general revenue
91 | funds estimated to be available at the time such appropriation
92 | is made.

93 | (3) As prescribed by general law, each state department
94 | and agency shall be required to submit a legislative budget
95 | request that is based upon and that reflects the long-range
96 | financial outlook adopted by the joint legislative budget
97 | commission or that specifically explains any variance from the
98 | long-range financial outlook contained in the request.

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

101 (b) APPROPRIATION BILLS FORMAT. Separate sections within
 102 the general appropriation bill shall be used for each major
 103 program area of the state budget; major program areas shall
 104 include: education enhancement "lottery" trust fund items;
 105 education (all other funds); human services; criminal justice
 106 and corrections; natural resources, environment, growth
 107 management, and transportation; general government; and judicial
 108 branch. Each major program area shall include an itemization of
 109 expenditures for: state operations; state capital outlay; aid to
 110 local governments and nonprofit organizations operations; aid to
 111 local governments and nonprofit organizations capital outlay;
 112 federal funds and the associated state matching funds; spending
 113 authorizations for operations; and spending authorizations for
 114 capital outlay. Additionally, appropriation bills passed by the
 115 legislature shall include an itemization of specific
 116 appropriations that exceed one million dollars (\$1,000,000.00)
 117 in 1992 dollars. For purposes of this subsection, "specific
 118 appropriation," "itemization," and "major program area" shall be
 119 defined by law. This itemization threshold shall be adjusted by
 120 general law every four years to reflect the rate of inflation or
 121 deflation as indicated in the Consumer Price Index for All Urban
 122 Consumers, U.S. City Average, All Items, or successor reports as
 123 reported by the United States Department of Labor, Bureau of

124 Labor Statistics or its successor. Substantive bills containing
125 appropriations shall also be subject to the itemization
126 requirement mandated under this provision and shall be subject
127 to the governor's specific appropriation veto power described in
128 Article III, Section 8.

129 (c) APPROPRIATIONS PROCESS.

130 (1) No later than September 15 of each year, the joint
131 legislative budget commission shall issue a long-range financial
132 outlook setting out recommended fiscal strategies for the state
133 and its departments and agencies in order to assist the
134 legislature in making budget decisions. The long-range financial
135 outlook must include major workload and revenue estimates. In
136 order to implement this paragraph, the joint legislative budget
137 commission shall use current official consensus estimates and
138 may request the development of additional official estimates.

139 (2) The joint legislative budget commission shall seek
140 input from the public and from the executive and judicial
141 branches when developing and recommending the long-range
142 financial outlook.

143 (3) The legislature shall prescribe by general law
144 conditions under which limited adjustments to the budget, as
145 recommended by the governor or the chief justice of the supreme
146 court, may be approved without the concurrence of the full
147 legislature.

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

154 (e) FINAL BUDGET REPORT. A final budget report shall be
155 prepared as prescribed by general law. The final budget report
156 shall be produced no later than the 120th day after the
157 beginning of the fiscal year, and copies of the report shall be
158 furnished to each member of the legislature, the head of each
159 department and agency of the state, the auditor general, and the
160 chief justice of the supreme court.

161 (f) TRUST FUNDS.

162 (1) No trust fund of the State of Florida or other public
163 body may be created or re-created by law without a three-fifths
164 vote of the membership of each house of the legislature in a
165 separate bill for that purpose only.

166 (2) State trust funds shall terminate not more than four
167 years after the effective date of the act authorizing the
168 initial creation of the trust fund. By law the legislature may
169 set a shorter time period for which any trust fund is
170 authorized.

171 (3) Trust funds required by federal programs or mandates;
172 trust funds established for bond covenants, indentures, or

173 resolutions, whose revenues are legally pledged by the state or
174 public body to meet debt service or other financial requirements
175 of any debt obligations of the state or any public body; the
176 state transportation trust fund; the trust fund containing the
177 net annual proceeds from the Florida Education Lotteries; the
178 Florida retirement trust fund; trust funds for institutions
179 under the management of the Board of Governors, where such trust
180 funds are for auxiliary enterprises and contracts, grants, and
181 donations, as those terms are defined by general law; trust
182 funds that serve as clearing funds or accounts for the chief
183 financial officer or state agencies; trust funds that account
184 for assets held by the state in a trustee capacity as an agent
185 or fiduciary for individuals, private organizations, or other
186 governmental units; and other trust funds authorized by this
187 Constitution, are not subject to the requirements set forth in
188 paragraph (2) of this subsection.

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

192 (g) BUDGET STABILIZATION FUND. Subject to the provisions
193 of this subsection, an amount equal to at least 5% of the last
194 completed fiscal year's net revenue collections for the general
195 revenue fund shall be retained in the budget stabilization fund.
196 The budget stabilization fund's principal balance shall not
197 exceed an amount equal to 10% of the last completed fiscal

198 | year's net revenue collections for the general revenue fund. The
199 | legislature shall provide criteria for withdrawing funds from
200 | the budget stabilization fund in a separate bill for that
201 | purpose only and only for the purpose of covering revenue
202 | shortfalls of the general revenue fund or for the purpose of
203 | providing funding for an emergency, as defined by general law.
204 | General law shall provide for the restoration of this fund. The
205 | budget stabilization fund shall be comprised of funds not
206 | otherwise obligated or committed for any purpose.

207 | (h) LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND
208 | AGENCY PLANNING DOCUMENT PROCESSES. General law shall provide
209 | for a long-range state planning document. The governor shall
210 | recommend to the legislature biennially any revisions to the
211 | long-range state planning document, as defined by law. General
212 | law shall require a biennial review and revision of the long-
213 | range state planning document and shall require all departments
214 | and agencies of state government to develop planning documents
215 | that identify statewide strategic goals and objectives,
216 | consistent with the long-range state planning document. The
217 | long-range state planning document and department and agency
218 | planning documents shall remain subject to review and revision
219 | by the legislature. The long-range state planning document must
220 | include projections of future needs and resources of the state
221 | which are consistent with the long-range financial outlook. The
222 | department and agency planning documents shall include a

223 prioritized listing of planned expenditures for review and
224 possible reduction in the event of revenue shortfalls, as
225 defined by general law.

226 ~~(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than~~
227 ~~January of 2007, and each fourth year thereafter, the president~~
228 ~~of the senate, the speaker of the house of representatives, and~~
229 ~~the governor shall appoint a government efficiency task force,~~
230 ~~the membership of which shall be established by general law. The~~
231 ~~task force shall be composed of members of the legislature and~~
232 ~~representatives from the private and public sectors who shall~~
233 ~~develop recommendations for improving governmental operations~~
234 ~~and reducing costs. Staff to assist the task force in performing~~
235 ~~its duties shall be assigned by general law, and the task force~~
236 ~~may obtain assistance from the private sector. The task force~~
237 ~~shall complete its work within one year and shall submit its~~
238 ~~recommendations to the joint legislative budget commission, the~~
239 ~~governor, and the chief justice of the supreme court.~~

240 (i)-(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is
241 created within the legislature the joint legislative budget
242 commission composed of equal numbers of senate members appointed
243 by the president of the senate and house members appointed by
244 the speaker of the house of representatives. Each member shall
245 serve at the pleasure of the officer who appointed the member. A
246 vacancy on the commission shall be filled in the same manner as
247 the original appointment. From November of each odd-numbered

248 | year through October of each even-numbered year, the chairperson
249 | of the joint legislative budget commission shall be appointed by
250 | the president of the senate and the vice chairperson of the
251 | commission shall be appointed by the speaker of the house of
252 | representatives. From November of each even-numbered year
253 | through October of each odd-numbered year, the chairperson of
254 | the joint legislative budget commission shall be appointed by
255 | the speaker of the house of representatives and the vice
256 | chairperson of the commission shall be appointed by the
257 | president of the senate. The joint legislative budget commission
258 | shall be governed by the joint rules of the senate and the house
259 | of representatives, which shall remain in effect until repealed
260 | or amended by concurrent resolution. The commission shall
261 | convene at least quarterly and shall convene at the call of the
262 | president of the senate and the speaker of the house of
263 | representatives. A majority of the commission members of each
264 | house plus one additional member from either house constitutes a
265 | quorum. Action by the commission requires a majority vote of the
266 | commission members present of each house. The commission may
267 | conduct its meetings through teleconferences or similar means.
268 | In addition to the powers and duties specified in this
269 | subsection, the joint legislative budget commission shall
270 | exercise all other powers and perform any other duties not in
271 | conflict with paragraph (c) (3) and as prescribed by general law
272 | or joint rule.

ARTICLE IV

EXECUTIVE

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

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 when there is a vacancy in the office of governor. 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, general law shall prescribe who ~~the lieutenant governor~~ shall act as governor. Further succession as acting governor may ~~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 three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or three cabinet members. Incapacity to serve as governor may also be established

298 | by certificate filed with the custodian of state records by the
299 | governor declaring incapacity for physical reasons to serve as
300 | governor, and in such case restoration of capacity shall be
301 | similarly established.

302 | SECTION 4. Cabinet.—

303 | (a) There shall be a cabinet composed of an attorney
304 | general, a chief financial officer, ~~and~~ a commissioner of
305 | agriculture, and a commissioner of government efficiency. In
306 | addition to the powers and duties specified herein, they shall
307 | exercise such powers and perform such duties as may be
308 | prescribed by law. ~~In the event of a tie vote of the governor~~
309 | ~~and cabinet, the side on which the governor voted shall be~~
310 | ~~deemed to prevail.~~

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

323 (c) The chief financial officer shall serve as the chief
324 fiscal officer of the state, and shall settle and approve
325 accounts against the state, and shall keep all state funds and
326 securities.

327 (d) The commissioner of agriculture shall have supervision
328 of matters pertaining to agriculture except as otherwise
329 provided by law.

330 (e) The commissioner of government efficiency shall have
331 the power to audit, investigate, and report on fraud, waste, and
332 abuse exclusively within the executive branch of state
333 government and within counties, municipalities, and special
334 districts as provided by law.

335 (f)-(e) The governor as chair, the chief financial officer,
336 ~~and~~ the attorney general, and the commissioner of government
337 efficiency shall constitute the state board of administration,
338 which shall succeed to all the power, control, and authority of
339 the state board of administration established pursuant to
340 Article IX, Section 16 of the Constitution of 1885, and which
341 shall continue as a body at least for the life of Article XII,
342 Section 9(c).

343 (g)-(f) The governor as chair, the chief financial officer,
344 the attorney general, ~~and~~ the commissioner of agriculture, and
345 the commissioner of government efficiency shall constitute the
346 trustees of the internal improvement trust fund and the land
347 acquisition trust fund as provided by law.

348 (h) ~~(g)~~ The governor as chair, the chief financial officer,
349 the attorney general, ~~and~~ the commissioner of agriculture, and
350 the commissioner of government efficiency shall constitute the
351 agency head of the Department of Law Enforcement. The Office of
352 Domestic Security and Counterterrorism is created within the
353 Department of Law Enforcement. The Office of Domestic Security
354 and Counterterrorism shall provide support for prosecutors and
355 federal, state, and local law enforcement agencies that
356 investigate or analyze information relating to attempts or acts
357 of terrorism or that prosecute terrorism, and shall perform any
358 other duties that are provided by law.

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

361 (a) At a state-wide general election in each calendar year
362 the number of which is even but not a multiple of four, the
363 electors shall choose a governor ~~and a lieutenant governor~~ and
364 members of the cabinet each for a term of four years beginning
365 on the first Tuesday after the first Monday in January of the
366 succeeding year. ~~In primary elections, candidates for the office~~
367 ~~of governor may choose to run without a lieutenant governor~~
368 ~~candidate. In the general election, all candidates for the~~
369 ~~offices of governor and lieutenant governor shall form joint~~
370 ~~candidacies in a manner prescribed by law so that each voter~~
371 ~~shall cast a single vote for a candidate for governor and a~~
372 ~~candidate for lieutenant governor running together.~~

373 (b) When elected, the governor, ~~lieutenant governor~~ and
 374 each cabinet member must be an elector not less than thirty
 375 years of age who has resided in the state for the preceding
 376 seven years. The attorney general must have been a member of the
 377 bar of Florida for the preceding five years. No person who has,
 378 or but for resignation would have, served as governor or acting
 379 governor for more than six years in two consecutive terms shall
 380 be elected governor for the succeeding term.

381 SECTION 6. Executive departments.—All functions of the
 382 executive branch of state government shall be allotted among not
 383 more than twenty-five departments, exclusive of those
 384 specifically provided for or authorized in this constitution.
 385 The administration of each department, unless otherwise provided
 386 in this constitution, shall be placed by law under the direct
 387 supervision of the governor, ~~the lieutenant governor,~~ the
 388 governor and cabinet, a cabinet member, or an officer or board
 389 appointed by and serving at the pleasure of the governor,
 390 except:

391 (a) When provided by law, confirmation by the senate or
 392 the approval of three members of the cabinet shall be required
 393 for appointment to or removal from any designated statutory
 394 office.

395 (b) Boards authorized to grant and revoke licenses to
 396 engage in regulated occupations shall be assigned to appropriate

397 departments and their members appointed for fixed terms, subject
 398 to removal only for cause.

399 ARTICLE VI

400 SUFFRAGE AND ELECTIONS

401 SECTION 4. Disqualifications.—

402 (a) No person convicted of a felony, or adjudicated in
 403 this or any other state to be mentally incompetent, shall be
 404 qualified to vote or hold office until restoration of civil
 405 rights or removal of disability. Except as provided in
 406 subsection (b) of this section, any disqualification from voting
 407 arising from a felony conviction shall terminate and voting
 408 rights shall be restored upon completion of all terms of
 409 sentence including parole or probation.

410 (b) No person convicted of murder or a felony sexual
 411 offense shall be qualified to vote until restoration of civil
 412 rights.

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

- 415 (1) Florida representative,
- 416 (2) Florida senator,
- 417 ~~(3) Florida Lieutenant governor,~~
- 418 (3)~~(4)~~ any office of the Florida cabinet,
- 419 (4)~~(5)~~ U.S. Representative from Florida, or
- 420 (5)~~(6)~~ U.S. Senator from Florida

421

422 if, by the end of the current term of office, the person will
 423 have served (or, but for resignation, would have served) in that
 424 office for eight consecutive years.

425 ARTICLE XII

426 SCHEDULE

427 Implementation of amendments relating to the office of the
 428 commissioner of government efficiency.—

429 (a) The amendments to Section 19 of Article III and
 430 Section 4 of Article IV and the creation of this section shall
 431 take effect upon approval by the electors.

432 (b) The person elected to the office of lieutenant
 433 governor in the 2026 general election shall assume the office of
 434 the commissioner of government efficiency for a term of four
 435 years, and the years of such term shall be counted toward the
 436 number of consecutive years in Section 4(c) of Article VI.
 437 Beginning with the 2030 general election, the office of the
 438 commissioner of government efficiency shall be filled by
 439 election pursuant to Section 5(a) of Article IV.

440 (c) At the 2044 general election, the following question
 441 shall be placed on the ballot:

442
 443 ARTICLE IV, SECTION 4

444 REPEAL OF OFFICE OF COMMISSIONER OF GOVERNMENT EFFICIENCY.—
 445 Shall the office of the commissioner of government efficiency be
 446 repealed from the constitution?

447
 448 If the repeal of the office of the commissioner of government
 449 efficiency is approved by the electorate, the office shall be
 450 repealed on December 31, 2046, and all references to the office
 451 of the commissioner of government efficiency shall be removed
 452 from the constitution.

453
 454 BE IT FURTHER RESOLVED that the following statement be
 455 placed on the ballot:

456 CONSTITUTIONAL AMENDMENTS

457 ARTICLE II, SECTION 2

458 ARTICLE III, SECTIONS 17 AND 19

459 ARTICLE IV, SECTIONS 2, 3, 4, 5, AND 6

460 ARTICLE VI, SECTION 4

461 ARTICLE XII

462 CREATION OF OFFICE OF COMMISSIONER OF GOVERNMENT EFFICIENCY
 463 AND REPEAL OF OFFICE OF LIEUTENANT GOVERNOR.—Proposing
 464 amendments to the State Constitution to create the Commissioner
 465 of Government Efficiency as a Cabinet officer, repeal the
 466 Government Efficiency Task Force as that class of duties will be
 467 under the commissioner, repeal the office of Lieutenant Governor
 468 and provide that the person elected as Lieutenant Governor in
 469 this election will be the first Commissioner of Government
 470 Efficiency, and revise provisions relating to succession to the
 471 office of Governor.