

By Senator Bean

4-00421-19

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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 provide for the election of the Secretary of State and his or her inclusion as a member of 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 supreme court upon due notice after docketing of a written

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

39 SECTION 4. Cabinet.—

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

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

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

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

66 (e) The secretary of state shall keep the records of the
67 official acts of the legislative and executive departments and
68 perform the functions conferred by this constitution upon the
69 custodian of state records.

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

ARTICLE XII

SCHEDULE

Cabinet reorganization.-

96 (a) The amendments to Sections 3 and 4 of Article IV
97 relating to the inclusion of the secretary of state as a member
98 of the cabinet shall take effect June 1, 2021. For the term
99 beginning June 1, 2021, and continuing through January 3, 2023,
100 the secretary of state shall be appointed by the governor,
101 subject to confirmation by the senate. The secretary of state
102 must be an elector of at least 30 years of age who has resided
103 in the state for the preceding seven years at the time of the
104 governor's appointment. Beginning with the 2022 statewide
105 general election and every four years thereafter, the office of
106 secretary of state shall be filled by election in conformance
107 with Article IV, Section 5(a).

108 (b) By June 1, 2021, the legislature shall enact
109 implementing legislation that includes any conforming changes to
110 the Florida Statutes necessitated by the reorganization of the
111 cabinet.

112 BE IT FURTHER RESOLVED that the following statement be
113 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IV, SECTIONS 3 AND 4

ARTICLE XII, NEW SECTION

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117 MEMBERSHIP OF CABINET; ELECTION OF SECRETARY OF STATE.—
118 Revises the membership of the Cabinet, effective June 1, 2021,
119 to include the Secretary of State, whom the Governor shall
120 appoint, subject to Senate confirmation, for a term ending
121 January 3, 2023; and thereafter provides for the statewide
122 election of the Secretary of State, beginning in 2022. The
123 Legislature shall implement the amendment by law. Currently, the
124 secretary is appointed by and serves at the pleasure of the
125 Governor and is not a Cabinet member.