

By the Committee on Executive and Commissioners Mathis,  
Evans-Jones and Riley

1                                   A proposal to revise  
2           ARTICLE IV, ss. 3(b), 4, and 8, and ARTICLE  
3           XII, s. 9(c), Fla. Const. and create s. 22,  
4           ARTICLE XII, Fla. Const.; providing for  
5           membership of the Florida Cabinet.  
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7   It is proposed by the Florida Constitution Revision Commission  
8   that:  
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10           Section 1. Subsection (b) of section 3 of Article IV  
11   of the Florida Constitution is revised by amending that  
12   subsection to read:  
13                                   ARTICLE IV  
14                                   EXECUTIVE  
15           SECTION 3. Succession to office of governor; acting  
16   governor.--  
17           (b) Upon impeachment of the governor and until  
18   completion of trial thereof, or during his physical or mental  
19   incapacity, the lieutenant governor shall act as governor.  
20   Further succession as acting governor shall be prescribed by  
21   law. Incapacity to serve as governor may be determined by the  
22   supreme court upon due notice after docketing of a written  
23   suggestion thereof by the two ~~four~~ cabinet members, and in  
24   such case restoration of capacity shall be similarly  
25   determined after docketing of written suggestion thereof by  
26   the governor, the legislature or the two ~~four~~ cabinet members.  
27   Incapacity to serve as governor may also be established by  
28   certificate filed with the custodian of state records  
29   ~~secretary of state~~ by the governor declaring his incapacity  
30   for physical reasons to serve as governor, and in such case  
31   restoration of capacity shall be similarly established.

1           Section 2. Section 4 of Article IV of the Florida  
2 Constitution is revised by amending that section to read:

3                           ARTICLE IV

4                           EXECUTIVE

5           SECTION 4. Cabinet.--

6           (a) There shall be a cabinet composed of ~~a secretary~~  
7 ~~of state, an attorney general, a comptroller, and a treasurer,~~  
8 ~~a commissioner of agriculture and a commissioner of education.~~

9 In addition to the powers and duties specified herein, they  
10 shall exercise such powers and perform such duties as may be  
11 prescribed by law. Affirmative action by the governor and  
12 cabinet, sitting in any of its joint capacities, shall require  
13 the approval of the governor and at least one member of the  
14 cabinet.

15           ~~(b) The secretary of state shall keep the records of~~  
16 ~~the official acts of the legislative and executive~~  
17 ~~departments.~~

18           (b)(c) The attorney general shall be the chief state  
19 legal officer. There is created in the office of the attorney  
20 general the position of statewide prosecutor. The statewide  
21 prosecutor shall have concurrent jurisdiction with the state  
22 attorneys to prosecute violations of criminal laws occurring  
23 or having occurred, in two or more judicial circuits as part  
24 of a related transaction, or when any such offense is  
25 affecting or has affected two or more judicial circuits as  
26 provided by general law. The statewide prosecutor shall be  
27 appointed by the attorney general from not less than three  
28 persons nominated by the judicial nominating commission for  
29 the supreme court, or as otherwise provided by general law.

1        ~~(c)(d)~~ The treasurer ~~comptroller~~ shall serve as the  
2 chief fiscal officer of the state, and shall settle and  
3 approve accounts against the state and-

4        ~~(e)~~ The treasurer shall keep all state funds and  
5 securities. ~~He shall disburse state funds only upon the order~~  
6 ~~of the comptroller. Such order may be in any form and may~~  
7 ~~require the disbursement of state funds by electronic means or~~  
8 ~~by means of a magnetic tape or any other transfer medium.~~

9        (d) The governor as chair, the treasurer, and the  
10 attorney general shall constitute the state board of  
11 administration, which shall succeed to all the power, control,  
12 and authority of the state board of administration established  
13 pursuant to Article IX, Section 16 of the Constitution of  
14 1885, and which shall continue as a body at least for the life  
15 of Article XII, Section 9(c).

16        (e) The governor as chair, the treasurer, and the  
17 attorney general shall constitute the trustees of the internal  
18 improvement trust fund and the land acquisition trust fund as  
19 provided by law.

20        ~~(f)~~ The commissioner of agriculture shall have  
21 supervision of matters pertaining to agriculture except as  
22 otherwise provided by law.

23        ~~(g)~~ The commissioner of education shall supervise the  
24 public education system in the manner prescribed by law.

25        Section 3. Section 8 of Article IV of the Florida  
26 Constitution is revised by amending that section to read:

27                    ARTICLE IV

28                    EXECUTIVE

29                SECTION 8. Clemency.--

30                (a) Except in cases of treason and in cases where  
31 impeachment results in conviction, the governor may, by

1 executive order filed with the custodian ~~secretary~~ of state  
2 records, suspend collection of fines and forfeitures, grant  
3 reprieves not exceeding sixty days and, with the approval of a  
4 member ~~three members~~ of the cabinet, grant full or conditional  
5 pardons, restore civil rights, commute punishment, and remit  
6 fines and forfeitures for offenses.

7 (b) In cases of treason the governor may grant  
8 reprieves until adjournment of the regular session of the  
9 legislature convening next after the conviction, at which  
10 session the legislature may grant a pardon or further  
11 reprieve; otherwise the sentence shall be executed.

12 (c) There may be created by law a parole and probation  
13 commission with power to supervise persons on probation and to  
14 grant paroles or conditional releases to persons under  
15 sentences for crime. The qualifications, method of selection  
16 and terms, not to exceed six years, of members of the  
17 commission shall be prescribed by law.

18 Section 4. Subsection (c) of section 9 of Article XII  
19 of the Florida Constitution is revised by amending that  
20 subsection to read:

21 ARTICLE XII

22 SCHEDULE

23 SECTION 9. Bonds.--

24 (c) MOTOR VEHICLE FUEL TAXES.

25 (1) A state tax, designated "second gas tax," of two  
26 cents per gallon upon gasoline and other like products of  
27 petroleum and an equivalent tax upon other sources of energy  
28 used to propel motor vehicles as levied by Article IX, Section  
29 16, of the Constitution of 1885, as amended, is hereby  
30 continued. The proceeds of said tax shall be placed monthly in  
31 the state roads distribution fund in the state treasury.

1           (2) Article IX, Section 16, of the Constitution of  
2 1885, as amended, is adopted by this reference as a part of  
3 this revision as completely as though incorporated herein  
4 verbatim for the purpose of providing that after the effective  
5 date of this revision the proceeds of the "second gas tax" as  
6 referred to therein shall be allocated among the several  
7 counties in accordance with the formula stated therein to the  
8 extent necessary to comply with all obligations to or for the  
9 benefit of holders of bonds, revenue certificates and tax  
10 anticipation certificates or any refundings thereof secured by  
11 any portion of the "second gas tax."

12           (3) No funds anticipated to be allocated under the  
13 formula stated in Article IX, Section 16, of the Constitution  
14 of 1885, as amended, shall be pledged as security for any  
15 obligation hereafter issued or entered into, except that any  
16 outstanding obligations previously issued pledging revenues  
17 allocated under said Article IX, Section 16, may be refunded  
18 at a lower average net interest cost rate by the issuance of  
19 refunding bonds, maturing not later than the obligations  
20 refunded, secured by the same revenues and any other security  
21 authorized in paragraph (5) of this subsection.

22           (4) Subject to the requirements of paragraph (2) of  
23 this subsection and after payment of administrative expenses,  
24 the "second gas tax" shall be allocated to the account of each  
25 of the several counties in the amounts to be determined as  
26 follows: There shall be an initial allocation of one-fourth in  
27 the ratio of county area to state area, one-fourth in the  
28 ratio of the total county population to the total population  
29 of the state in accordance with the latest available federal  
30 census, and one-half in the ratio of the total "second gas  
31 tax" collected on retail sales or use in each county to the

1 total collected in all counties of the state during the  
2 previous fiscal year. If the annual debt service requirements  
3 of any obligations issued for any county, including any  
4 deficiencies for prior years, secured under paragraph (2) of  
5 this subsection, exceeds the amount which would be allocated  
6 to that county under the formula set out in this paragraph,  
7 the amounts allocated to other counties shall be reduced  
8 proportionately.

9 (5) Funds allocated under paragraphs (2) and (4) of  
10 this subsection shall be administered by the state board of  
11 administration created under Article IV, Section 4 ~~said~~  
12 ~~Article IX, Section 16, of the Constitution of 1885, as~~  
13 ~~amended, and which is continued as a body corporate for the~~  
14 ~~life of this subsection 9(c).~~ The board shall remit the  
15 proceeds of the "second gas tax" in each county account for  
16 use in said county as follows: eighty per cent to the state  
17 agency supervising the state road system and twenty per cent  
18 to the governing body of the county. The percentage allocated  
19 to the county may be increased by general law. The proceeds of  
20 the "second gas tax" subject to allocation to the several  
21 counties under this paragraph (5) shall be used first, for the  
22 payment of obligations pledging revenues allocated pursuant to  
23 Article IX, Section 16, of the Constitution of 1885, as  
24 amended, and any refundings thereof; second, for the payment  
25 of debt service on bonds issued as provided by this paragraph  
26 (5) to finance the acquisition and construction of roads as  
27 defined by law; and third, for the acquisition and  
28 construction of roads and for road maintenance as authorized  
29 by law. When authorized by law, state bonds pledging the full  
30 faith and credit of the state may be issued without any  
31 election: (i) to refund obligations secured by any portion of

1 the "second gas tax" allocated to a county under Article IX,  
2 Section 16, of the Constitution of 1885, as amended; (ii) to  
3 finance the acquisition and construction of roads in a county  
4 when approved by the governing body of the county and the  
5 state agency supervising the state road system; and (iii) to  
6 refund obligations secured by any portion of the "second gas  
7 tax" allocated under paragraph 9(c)(4). No such bonds shall  
8 be issued unless a state fiscal agency created by law has made  
9 a determination that in no state fiscal year will the debt  
10 service requirements of the bonds and all other bonds secured  
11 by the pledged portion of the "second gas tax" allocated to  
12 the county exceed seventy-five per cent of the pledged portion  
13 of the "second gas tax" allocated to that county for the  
14 preceding state fiscal year, of the pledged net tolls from  
15 existing facilities collected in the preceding state fiscal  
16 year, and of the annual average net tolls anticipated during  
17 the first five state fiscal years of operation of new projects  
18 to be financed, and of any other legally available pledged  
19 revenues collected in the preceding state fiscal year. Bonds  
20 issued pursuant to this subsection shall be payable primarily  
21 from the pledged tolls, the pledged portions of the "second  
22 gas tax" allocated to that county, and any other pledged  
23 revenue, and shall mature not later than forty years from the  
24 date of issuance.

25 Section 5. Section 22 of Article XII of the Florida  
26 Constitution is created to read:

27 SECTION 22. Executive branch reform.--The amendments  
28 contained in this revision shall take effect January 7, 2003,  
29 but shall govern with respect to the qualifying for and the  
30 holding of the primary elections in 2002. The offices of  
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1 treasurer and attorney general shall be new offices as a  
2 result of this revision.  
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