

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

7 It is proposed by the Florida Constitution Revision Commission
8 that:

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:

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:

ARTICLE IV

EXECUTIVE

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:

ARTICLE IV

EXECUTIVE

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.

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

ARTICLE XII

SCHEDULE

SECTION 9. Bonds. --

24 (c) MOTOR VEHICLE FUEL TAXES.

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~~
~~Article IX, Section 16, of the Constitution of 1885, as~~
~~amended, and which is continued as a body corporate for the~~
~~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
(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

1 treasurer and attorney general shall be new offices as a
2 result of this revision.

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