

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.

6
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 chief~~
8 ~~financial officer treasurer, a commissioner of agriculture and~~
9 ~~a commissioner of education.~~ In addition to the powers and
10 duties specified herein, they shall exercise such powers and
11 perform such duties as may be prescribed by law. Affirmative
12 action by the governor and cabinet, sitting in any of its
13 joint capacities, shall require the approval of the governor
14 and at least one member of the 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.

30 ~~(c)(d)~~ The chief financial officer ~~treasurer~~
31 ~~comptroller~~ shall serve as the chief fiscal officer of the

1 state, and shall settle and approve accounts against the state
2 and.

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

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

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

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

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

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

26 ARTICLE IV

27 EXECUTIVE

28 SECTION 8. Clemency.--

29 (a) Except in cases of treason and in cases where
30 impeachment results in conviction, the governor may, by
31 executive order filed with the custodian ~~secretary~~ of state

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

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

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

17 Section 4. Section 2 of Article IX of the Florida
18 Constitution is revised by amending that section to read:

19 ARTICLE IX

20 EDUCATION

21 SECTION 2. State board of education.--The ~~governor and~~
22 ~~the members of the cabinet shall constitute a~~ state board of
23 education, ~~which~~ shall be a body corporate and have such
24 supervision of the system of public education as is provided
25 by law. The state board of education shall consist of seven
26 members appointed by the governor to staggered 4-year terms,
27 subject to confirmation by the senate. The state board of
28 education shall appoint the commissioner of education.

29 Section 5. Subsection (c) of section 9 of Article XII
30 of the Florida Constitution is revised by amending that
31 subsection to read:

ARTICLE XII

SCHEDULE

SECTION 9. Bonds.--

(c) MOTOR VEHICLE FUEL TAXES.

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

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

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower average net interest cost rate by the issuance of refunding bonds, maturing not later than the obligations

1 refunded, secured by the same revenues and any other security
2 authorized in paragraph (5) of this subsection.

3 (4) Subject to the requirements of paragraph (2) of
4 this subsection and after payment of administrative expenses,
5 the "second gas tax" shall be allocated to the account of each
6 of the several counties in the amounts to be determined as
7 follows: There shall be an initial allocation of one-fourth in
8 the ratio of county area to state area, one-fourth in the
9 ratio of the total county population to the total population
10 of the state in accordance with the latest available federal
11 census, and one-half in the ratio of the total "second gas
12 tax" collected on retail sales or use in each county to the
13 total collected in all counties of the state during the
14 previous fiscal year. If the annual debt service requirements
15 of any obligations issued for any county, including any
16 deficiencies for prior years, secured under paragraph (2) of
17 this subsection, exceeds the amount which would be allocated
18 to that county under the formula set out in this paragraph,
19 the amounts allocated to other counties shall be reduced
20 proportionately.

21 (5) Funds allocated under paragraphs (2) and (4) of
22 this subsection shall be administered by the state board of
23 administration created under Article IV, Section 4 ~~said~~
24 ~~Article IX, Section 16, of the Constitution of 1885, as~~
25 ~~amended, and which is continued as a body corporate for the~~
26 ~~life of this subsection 9(c).~~ The board shall remit the
27 proceeds of the "second gas tax" in each county account for
28 use in said county as follows: eighty per cent to the state
29 agency supervising the state road system and twenty per cent
30 to the governing body of the county. The percentage allocated
31 to the county may be increased by general law. The proceeds of

1 the "second gas tax" subject to allocation to the several
2 counties under this paragraph (5) shall be used first, for the
3 payment of obligations pledging revenues allocated pursuant to
4 Article IX, Section 16, of the Constitution of 1885, as
5 amended, and any refundings thereof; second, for the payment
6 of debt service on bonds issued as provided by this paragraph
7 (5) to finance the acquisition and construction of roads as
8 defined by law; and third, for the acquisition and
9 construction of roads and for road maintenance as authorized
10 by law. When authorized by law, state bonds pledging the full
11 faith and credit of the state may be issued without any
12 election: (i) to refund obligations secured by any portion of
13 the "second gas tax" allocated to a county under Article IX,
14 Section 16, of the Constitution of 1885, as amended; (ii) to
15 finance the acquisition and construction of roads in a county
16 when approved by the governing body of the county and the
17 state agency supervising the state road system; and (iii) to
18 refund obligations secured by any portion of the "second gas
19 tax" allocated under paragraph 9(c)(4). No such bonds shall
20 be issued unless a state fiscal agency created by law has made
21 a determination that in no state fiscal year will the debt
22 service requirements of the bonds and all other bonds secured
23 by the pledged portion of the "second gas tax" allocated to
24 the county exceed seventy-five per cent of the pledged portion
25 of the "second gas tax" allocated to that county for the
26 preceding state fiscal year, of the pledged net tolls from
27 existing facilities collected in the preceding state fiscal
28 year, and of the annual average net tolls anticipated during
29 the first five state fiscal years of operation of new projects
30 to be financed, and of any other legally available pledged
31 revenues collected in the preceding state fiscal year. Bonds

1 issued pursuant to this subsection shall be payable primarily
2 from the pledged tolls, the pledged portions of the "second
3 gas tax" allocated to that county, and any other pledged
4 revenue, and shall mature not later than forty years from the
5 date of issuance.

6 Section 6. Section 22 of Article XII of the Florida
7 Constitution is created to read:

8 ARTICLE XII

9 SCHEDULE

10 SECTION 22. Executive branch reform.--The amendments
11 contained in this revision shall take effect January 7, 2003,
12 but shall govern with respect to the qualifying for and the
13 holding of the primary elections in 2002. The offices of chief
14 financial officer and attorney general shall be new offices as
15 a result of this revision.