

By Commissioner Riley

1 A proposal to revise
2 ARTICLE IV, ss. 3, 4, 5, 6, 8, 13, and ARTICLE
3 VI, s. 4, Fla. Const.; providing for
4 appointment of Cabinet members.

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

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9 Section 1. Sections 3, 4, 5, 6, 8, and 13 of Article
10 IV of the Florida Constitution are revised by amending those
11 sections to read:

12 ARTICLE IV
13 EXECUTIVE

14 SECTION 3. Succession to office of governor; acting
15 governor.--

16 (a) Upon vacancy in the office of governor, the
17 lieutenant governor shall become governor. Further succession
18 to the office of governor shall be prescribed by law. A
19 successor shall serve for the remainder of the term.

20 (b) Upon impeachment of the governor and until
21 completion of trial thereof, or during his physical or mental
22 incapacity, the lieutenant governor shall act as governor.
23 Further succession as acting governor shall be prescribed by
24 law. Incapacity to serve as governor may be determined by the
25 supreme court upon due notice after docketing of a written
26 suggestion thereof by the legislature ~~four cabinet members~~,
27 and in such case restoration of capacity shall be similarly
28 determined after docketing of written suggestion thereof by
29 the governor ~~or~~ the legislature ~~or four cabinet members~~.
30 Incapacity to serve as governor may also be established by
31 certificate filed with the secretary of state by the governor

1 declaring his incapacity for physical reasons to serve as
2 governor, and in such case restoration of capacity shall be
3 similarly established.

4 SECTION 4. Cabinet.--

5 (a) There shall be a cabinet composed of a secretary
6 of state, an attorney general, a comptroller, a treasurer, a
7 commissioner of agriculture and a commissioner of education,
8 each of whom shall be appointed by and serve at the pleasure
9 of the governor, subject to confirmation by the senate. In
10 addition to the powers and duties specified herein, they shall
11 exercise such powers and perform such duties as may be
12 prescribed by law.

13 (b) The secretary of state shall keep the records of
14 the official acts of the legislative and executive
15 departments.

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

28 (d) The comptroller shall serve as the chief fiscal
29 officer of the state, and shall settle and approve accounts
30 against the state.
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1 (e) The treasurer shall keep all state funds and
2 securities. He shall disburse state funds only upon the order
3 of the comptroller. Such order may be in any form and may
4 require the disbursement of state funds by electronic means or
5 by means of a magnetic tape or any other transfer medium.

6 (f) The commissioner of agriculture shall have
7 supervision of matters pertaining to agriculture except as
8 otherwise provided by law.

9 (g) The commissioner of education shall supervise the
10 public education system in the manner prescribed by law.

11 SECTION 5. Election of governor and lieutenant
12 governor ~~and cabinet members~~; qualifications; terms.--

13 (a) At a state-wide general election in each calendar
14 year the number of which is even but not a multiple of four,
15 the electors shall choose a governor and a lieutenant governor
16 ~~and members of the cabinet~~ each for a term of four years
17 beginning on the first Tuesday after the first Monday in
18 January of the succeeding year. In the general election and
19 in party primaries, if held, all candidates for the offices of
20 governor and lieutenant governor shall form joint candidacies
21 in a manner prescribed by law so that each voter shall cast a
22 single vote for a candidate for governor and a candidate for
23 lieutenant governor running together.

24 (b) When elected, the governor and the lieutenant
25 governor ~~and each cabinet member~~ must be an elector not less
26 than thirty years of age who has resided in the state for the
27 preceding seven years. ~~The attorney general must have been a~~
28 ~~member of the bar of Florida for the preceding five years.~~ No
29 person who has, or but for resignation would have, served as
30 governor or acting governor for more than six years in two
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1 consecutive terms shall be elected governor for the succeeding
2 term.

3 SECTION 6. Executive departments.--All functions of
4 the executive branch of state government shall be allotted
5 among not more than twenty-five departments, exclusive of
6 those specifically provided for or authorized in this
7 constitution. The administration of each department, unless
8 otherwise provided in this constitution, shall be placed by
9 law under the direct supervision of the governor, the
10 lieutenant governor, ~~the governor and cabinet,~~ a cabinet
11 member, or an officer or board appointed by and serving at the
12 pleasure of the governor, except:

13 (a) When provided by law, confirmation by the senate
14 or the approval of three members of the cabinet shall be
15 required for appointment to or removal from any designated
16 statutory office.

17 (b) Boards authorized to grant and revoke licenses to
18 engage in regulated occupations shall be assigned to
19 appropriate departments and their members appointed for fixed
20 terms, subject to removal only for cause.

21 SECTION 8. Clemency.--

22 (a) Except in cases of treason and in cases where
23 impeachment results in conviction, the governor may, by
24 executive order filed with the secretary of state, suspend
25 collection of fines and forfeitures, grant reprieves not
26 exceeding sixty days ~~and, with the approval of three members~~
27 ~~of the cabinet,~~ grant full or conditional pardons, restore
28 civil rights, commute punishment, and remit fines and
29 forfeitures for offenses.

30 (b) In cases of treason the governor may grant
31 reprieves until adjournment of the regular session of the

1 legislature convening next after the conviction, at which
2 session the legislature may grant a pardon or further
3 reprieve; otherwise the sentence shall be executed.

4 (c) There may be created by law a parole and probation
5 commission with power to supervise persons on probation and to
6 grant paroles or conditional releases to persons under
7 sentences for crime. The qualifications, method of selection
8 and terms, not to exceed six years, of members of the
9 commission shall be prescribed by law.

10 SECTION 13. Revenue Shortfalls.--In the event of
11 revenue shortfalls, as defined by general law, the governor
12 ~~and~~ cabinet may establish all necessary reductions in the
13 state budget in order to comply with the provisions of Article
14 VII, Section 1(d). The governor ~~and cabinet~~ shall implement
15 all necessary reductions for the executive budget, the chief
16 justice of the supreme court shall implement all necessary
17 reductions for the judicial budget, and the speaker of the
18 house of representatives and the president of the senate shall
19 implement all necessary reductions for the legislative budget.
20 Budget reductions pursuant to this section shall be consistent
21 with the provisions of Article III, Section 19(h).

22 Section 2. Section 4 of Article VI of the Florida
23 Constitution is revised by amending that section to read:

24 ARTICLE VI

25 SUFFRAGE AND ELECTIONS

26 SECTION 4. Disqualifications.--

27 (a) No person convicted of a felony, or adjudicated in
28 this or any other state to be mentally incompetent, shall be
29 qualified to vote or hold office until restoration of civil
30 rights or removal of disability.

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1 (b) No person may appear on the ballot for re-election
2 to any of the following offices:

3 (1) Florida representative,

4 (2) Florida senator,

5 (3) Florida Lieutenant governor,

6 ~~(4) any office of the Florida cabinet,~~

7 (4)~~(5)~~ U.S. Representative from Florida, or

8 (5)~~(6)~~ U.S. Senator from Florida

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