

By Commissioner Gaetz

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1 A proposal to amend
2 Sections 3 and 4 of Article IV and section 24 of
3 Article XII and create a new section in Article XII of
4 the State Constitution to provide for the election of
5 the Secretary of State, establish the secretary's
6 duties, and include the secretary as a member of the
7 Cabinet.

8
9 Be It Proposed by the Constitution Revision Commission of
10 Florida:

11
12 Sections 3 and 4 of Article IV of the State Constitution
13 are amended to read:

14 ARTICLE IV

15 EXECUTIVE

16 SECTION 3. Succession to office of governor; acting
17 governor.—

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

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

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33 the secretary of state ~~custodian of state records~~ by the
34 governor declaring incapacity for physical reasons to serve as
35 governor, and in such case restoration of capacity shall be
36 similarly established.

37 SECTION 4. Cabinet.—

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

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

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

61 (d) The commissioner of agriculture shall have supervision

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62 of matters pertaining to agriculture except as otherwise
63 provided by law.

64 (e) The secretary of state shall serve as the chief
65 election officer of the state and the chief cultural affairs,
66 protocol, and historical resource officer of the state. The
67 secretary of state shall also keep the records of the official
68 acts of the legislative and executive departments.

69 (f)~~(e)~~ The governor as chair, the chief financial officer,
70 ~~and~~ the attorney general, and the secretary of state shall
71 constitute the state board of administration, which shall
72 succeed to all the power, control, and authority of the state
73 board of administration established pursuant to Article IX,
74 Section 16 of the Constitution of 1885, and which shall continue
75 as a body at least for the life of Article XII, Section 9(c). If
76 a tie vote of the state board of administration occurs, the side
77 on which the governor voted shall prevail.

78 (g)~~(f)~~ The governor as chair, the chief financial officer,
79 the attorney general, ~~and~~ the commissioner of agriculture, and
80 the secretary of state shall constitute the trustees of the
81 internal improvement trust fund and the land acquisition trust
82 fund as provided by law.

83 (h)~~(g)~~ The governor as chair, the chief financial officer,
84 the attorney general, ~~and~~ the commissioner of agriculture, and
85 the secretary of state shall constitute the agency head of the
86 Department of Law Enforcement.

87
88 Section 24 of Article XII of the State Constitution is
89 amended, and a new section is added to that article, to read:

90 ARTICLE XII

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91 SCHEDULE

92 SECTION 24. Executive branch reform.—

93 ~~(a) The amendments contained in this revision shall take~~
94 ~~effect January 7, 2003, but shall govern with respect to the~~
95 ~~qualifying for and the holding of primary elections in 2002. The~~
96 ~~office of chief financial officer shall be a new office as a~~
97 ~~result of this revision.~~

98 ~~(b) In the event the secretary of state is removed as a~~
99 ~~cabinet office in the 1998 general election, the term "custodian~~
100 ~~of state records" shall be substituted for the term "secretary~~
101 ~~of state" throughout the constitution and the duties previously~~
102 ~~performed by the secretary of state shall be as provided by law.~~

103 Cabinet reorganization.—

104 (a) The amendments to Sections 3 and 4 of Article IV and
105 Section 24 of Article XII relating to the election of the
106 secretary of state and the inclusion of the secretary as a
107 member of the cabinet shall take effect January 3, 2023, but
108 shall govern with respect to the qualifying for and the holding
109 of the primary and general elections for the office of secretary
110 of state in 2022.

111 (b) By January 3, 2023, the legislature shall enact
112 implementing legislation that includes any conforming changes to
113 the Florida Statutes necessitated by the reorganization of the
114 cabinet.

115 (c) If the secretary of state becomes a cabinet office as a
116 result of a revision adopted in the 2018 general election, the
117 term "secretary of state" shall be substituted for the term
118 "custodian of state records" throughout the constitution.