

**Constitution Revision Commission  
Ethics and Elections Committee  
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: CS/P 66

Relating to: EXECUTIVE, Lieutenant governor

Introducer(s): Executive Committee and Commissioner Lee

Article/Section affected: Article IV

Date: January 30, 2018

	REFERENCE	ACTION
1.	<u>EX</u>	<u>Fav/CS</u>
2.	<u>EE</u>	<u>Fav/CS</u>
3.	<u>LE</u>	<u>Pre-meeting</u>

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**I. SUMMARY:**

The proposal requires the Lieutenant Governor, as assigned by the Governor, to serve as the head of any department whose head is a Secretary appointed by the Governor. The Lieutenant Governor is not subject to qualifications or Senate confirmation requirements pertaining to the Secretary of the department.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

**Lieutenant Governor**

Article IV, section 2 of the Florida Constitution establishes Florida's Lieutenant Governor. The Lieutenant Governor is required to perform duties as assigned by the Governor and provided by law.<sup>1</sup> Article IV, section 3(a) of the Florida Constitution provides that the Lieutenant Governor becomes Governor upon a vacancy in the office of Governor and serves for the remainder of the term.<sup>2</sup>

Article IV, section 5 of the Florida Constitution provides that the Governor and Lieutenant Governor, along with members of the Cabinet, are elected each calendar year that is even but not a multiple of four. The four-year terms begin on the first Tuesday after the first Monday in January of the year succeeding the election.<sup>3</sup> Candidates for

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<sup>1</sup> Article IV, s. 2, FLA. CONST.

<sup>2</sup> Further succession to the office of Governor is provided in s. 14.055, F.S.

<sup>3</sup> Article IV, s. 5, FLA. CONST.

Lieutenant Governor are not required in primary elections, however all candidates for Governor and Lieutenant Governor must form joint candidacies in the general election.<sup>4</sup>

Article IV, section 6 of the Florida Constitution provides that each executive department must be placed under the supervision of the Governor, the Lieutenant Governor, the Governor and Cabinet, a Cabinet member, or an officer or board appointed by the Governor. Section 20.05, F.S., provides that the Governor may assign the Lieutenant Governor, without Senate confirmation, the duty of serving as the head of any one department whose head is a Secretary appointed by the Governor.

#### Lieutenant Governors in Other States

Duties of the Lieutenant Governor vary from state to state. Three states currently have a Lieutenant Governor who serves as Secretary of State.<sup>5</sup> The Governor has the authority to assign duties to the Lieutenant Governor in 23 states.<sup>6</sup> In 25 states, the Lieutenant Governor presides over the Senate.<sup>7</sup> The Lieutenant Governor is a member of the Governor's Cabinet or advisory body in 24 states.<sup>8</sup> Other duties, such as serving as the head of one or more departments, boards, or commissions, are designated to the Lieutenant Governor in 24 states.<sup>9</sup>

#### History of the Lieutenant Governor

The 1865 Florida Constitution was the first to provide for a Lieutenant Governor.<sup>10</sup> The 1865 Constitution provided that the Lieutenant Governor was ex-officio President of the Senate and could vote only in cases of a tie.<sup>11</sup> The Lieutenant Governor exercised the powers of the Governor in cases of impeachment, death, resignation, or absence of the Governor from the state until the Governor's return.<sup>12</sup> The Lieutenant Governor continued in a similar capacity in the 1868 Constitution, but was later abolished by the 1885 Constitution.<sup>13</sup> The Lieutenant Governor was not reinstated in Florida until 1968.<sup>14</sup>

### **B. EFFECT OF PROPOSED CHANGES:**

The proposal requires the Lieutenant Governor, as assigned by the Governor, to serve as the head of any department whose head is a Secretary appointed by the Governor. The

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<sup>4</sup> *Id.*

<sup>5</sup> See National Association of Secretaries of State, *Roster of Secretaries of State/Lieutenant Governors*, <http://www.nass.org/index.php/membership> (last visited 1/23/2018).

<sup>6</sup> The Council of State Governments, *Book of the States*, Table 4.14 Lieutenant Governors: Powers and Duties, <http://knowledgecenter.csg.org/kc/system/files/4.14.2017.pdf> (last visited 1/15/2018).

<sup>7</sup> *Id.* Data includes Nebraska's Lieutenant Governor, who presides over a unicameral Legislature.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Article III, s. 4, FLA. CONST. (1865). The 1865 Constitution was rejected by the United States Congress.

<sup>11</sup> *Id.*

<sup>12</sup> Article III, s. 19, FLA. CONST. (1865).

<sup>13</sup> See Article V, ss. 14 and 15, FLA. CONST. (1868).

<sup>14</sup> Article IV, s. 2, FLA. CONST. (1968).

Lieutenant Governor is not subject to qualifications or Senate confirmation requirements pertaining to the Secretary of the department.

**C. FISCAL IMPACT:**

There may be a minimal reduction in state expenditures as a result of the Lieutenant Governor filling the role of a Secretary of a department, through a reduction in associated salary and benefits.<sup>15</sup>

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

**Executive Committee on January 19, 2018:**

The amended proposal requires the Lieutenant Governor to serve as the head of any department whose head is a Secretary appointed by the Governor. The Lieutenant Governor is not subject to qualifications or Senate confirmation requirements pertaining to the head of the department.

The amendment removed provisions specifying that the Lieutenant Governor serves as the Secretary of State and has the authority to cast the tiebreaking vote on final passage of any measure on which the Senate is equally divided. The amendment removed the new section in Article XII, revising the effective date of the proposal to January 8, 2019.<sup>16</sup>

**B. Amendments:**

None.

**C. Technical Deficiencies:**

**D. Related Issues:**

None.

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<sup>15</sup> The Lieutenant Governor currently receives a salary of \$124,851 (Chapter 2017-70, L.O.F.). Salaries for current Secretaries of departments who are appointed by the Governor range from approximately \$141,000 to approximately \$161,000. Florida Has a Right to Know, *State of Florida Employee Salaries*, <http://salaries.myflorida.com/> (last visited 1/23/2018).

<sup>16</sup> See Art. XI, s. 5(e), FLA. CONST.