

The Constitution Revision Commission
COMMITTEE MEETING EXPANDED AGENDA

EXECUTIVE
Commissioner Jordan, Chair
Commissioner Sprowls, Vice Chair

MEETING DATE: Tuesday, September 26, 2017
TIME: 8:00—11:00 a.m.
PLACE: 401 Senate Office Building, Tallahassee, Florida

MEMBERS: Commissioner Jordan, Chair; Commissioner Sprowls, Vice Chair; Commissioners Bondi, Diaz, Gaetz, Keiser, Nocco, Stewart, and Thurlow-Lippisch

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1		Presentation on the Governor's Constitutional Authority by Peter Antonacci	Presented

Article IV

The Executive Branch

Prepared for the 2017-18 Florida Constitution Revision Commission

Daniel Nordby
General Counsel
Executive Office of Governor Rick Scott

August 18, 2017

An Overview of Florida's Executive Branch

- Governor and Lieutenant Governor
- The Cabinet
 - Attorney General
 - Chief Financial Officer
 - Commissioner of Agriculture
 - Governor and Cabinet responsibilities
- Executive Departments

Governor and Lieutenant Governor

- Election, Qualifications, and Succession to Office
- Powers and Duties
 - Article IV
 - Article III
 - Article V

Governor and Lieutenant Governor

Election, Qualifications, and Succession to Office

Powers and Duties

- Article IV
- Article III
- Article V

Election and Qualifications

- Governor and Lieutenant Governor chosen at statewide general election in each calendar year “the number of which is even but not a multiple of four.”

Art. IV, § 5(a)

- In primary election, “candidates for the office of governor may choose to run without a lieutenant governor candidate.” In the general election, candidates for Governor and Lieutenant Governor must form joint candidacies so that each voter casts a single vote for a Governor and Lieutenant Governor running together.

Art. IV, § 5(a)

Governor and Lieutenant Governor

Election, Qualifications, and Succession to Office

Powers and Duties

- Article IV
- Article III
- Article V

Election and Qualifications

- When elected, the Governor and Lieutenant Governor must each be:
 - an elector
 - not less than 30 years of age
 - who has resided in the state for the preceding seven years.

Art. IV, § 5(b)

- No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

Art. IV, § 5(b)

Governor and Lieutenant Governor

Election, Qualifications, and Succession to Office

Powers and Duties

- Article IV
- Article III
- Article V

Succession to Office

- Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

Art. IV, § 3(a)

Governor and Lieutenant Governor

Election, Qualifications, and Succession to Office

Powers and Duties

- Article IV
- Article III
- Article V

Succession to Office

- Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor.
- Incapacity to serve as governor may be determined by the Supreme Court after docketing of a written suggestion thereof by three cabinet members. Restoration of capacity similarly determined after docketing of written suggestion thereof by the governor, the legislature, or three cabinet members.
- Governor may declare incapacity for physical reasons by filing certificate with custodian of state records. Restoration similarly established.

Art. IV, § 3(b)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- Article III
- Article V

Powers and Duties

Article IV

- “The supreme executive authority shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States.”

Art. IV, § 1(a)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

- The governor shall:
 - Take care that the laws be faithfully executed
 - Commission all officers of the state and counties
 - Transact all necessary business with the officers of government
 - Be the chief administrative officer of the state responsible for the planning and budgeting for the state

Art. IV, § 1(a)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

- The governor shall:
 - By message at least once in each regular session, inform the Legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest
 - When not otherwise provided by the Constitution, fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than 28 months, otherwise until the first Tuesday after the first Monday following the next general election.

Art. IV, § 1(e), (f)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

- The governor may:
 - Require information in writing from all executive or administrative state, county, or municipal officers upon any subject relating to the duties of their respective offices.
 - Initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any duty or restrain any unauthorized act.
 - Request in writing the opinion of the justices of the Supreme Court as to the interpretation of any portion of the Constitution upon any question affecting the governor's executive powers and duties.

Art. IV, § 1(a), (b), (c)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

- The governor may:
 - Call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion

Art. IV, § 1(d)

- By executive order filed with the custodian of state records, suspend collection of fines and forfeitures [and] grant reprieves not exceeding sixty days.

Art. IV, § 8(a)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

Suspension

- By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office:
 - Any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer
 - Suspension may be based upon malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony.
- The governor may fill the office by appointment for the period of suspension, and may reinstate the suspended officer at any time before removal.

Art. IV, § 7

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

Suspension

- The Florida Senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official.

Art. IV, § 7(b)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

Suspension

- By order of the governor, any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

Art. IV, § 7(c)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- **Article IV**
- **Article III**
- **Article V**

Powers and Duties

Lieutenant Governor

- “There shall be a lieutenant governor, who shall perform such duties pertaining to the office of governor as shall be assigned by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.”

Art. IV, § 2

- The administration of each executive department may be placed under the direct supervision of the lieutenant governor.

Art. IV, § 6

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- Article IV
- **Article III**
- Article V

Powers and Duties

Article III

- Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if:
 - The governor approves and signs it; or
 - The governor fails to veto it within seven consecutive days after presentation (extended to fifteen days from presentation by adjournment sine die).
- In all cases except general appropriation bills, the veto shall extend to the entire bill.
- The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

Art. III, § 8(a)

Governor and Lieutenant Governor

Election, Qualifications, and
Succession to Office

Powers and Duties

- Article IV
- Article III
- **Article V**

Powers and Duties

Article V

- Whenever a vacancy occurs in a judicial office to which election for retention applies, the governor shall fill the vacancy by appointing . . . one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission.
- The governor shall fill each vacancy on a circuit or county court, wherein the judges are elected by a majority vote of the electors, by appointing . . . one of not fewer than three persons nor more than six persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

Art. V, § 11

The Cabinet

- Composition
- Election and Qualifications
- Powers and Duties
 - Attorney General
 - Chief Financial Officer
 - Commissioner of Agriculture
- Governor and Cabinet

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- Governor and Cabinet

Composition

- “There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture.”

Art. IV, § 4(a)

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- Governor and Cabinet

Election and Qualifications

- Members of the Cabinet chosen at statewide general election in each calendar year “the number of which is even but not a multiple of four.”

Art. IV, § 5(a)

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- Governor and Cabinet

Election and Qualifications

- When elected, members of the Cabinet must each be:
 - an elector
 - not less than 30 years of age
 - who has resided in the state for the preceding seven years.
- The attorney general must have been a member of the bar of Florida for the preceding five years.

Art. IV, § 5(b)

- No person may appear on the ballot for re-election to any office of the Cabinet if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

Art. VI, § 4

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- Governor and Cabinet

Powers and Duties

Attorney General

- “The attorney general shall be the chief state legal officer.”
Art. IV, § 4(b)
- The attorney general shall, as directed by general law, request the opinion of the justices of the Supreme Court as to the validity of any initiative petition to amend the Florida Constitution.
Art. IV, § 10
- The attorney general shall petition the Supreme Court regarding legislative apportionment.
Art. III, § 16
- The attorney general shall serve as a member of the Constitution Revision Commission
Art. XI, § 2

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- **Attorney General**
- Chief Financial Officer
- Commissioner of Agriculture
- Governor and Cabinet

Powers and Duties

Attorney General

- The attorney general shall appoint a statewide prosecutor to hold a position within the office of the attorney general. The statewide prosecutor shall be appointed from a list of not less than three persons nominated by the judicial nominating commission for the Supreme Court, or as otherwise provided by law.
- The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law.

Art. IV, § 4(b)

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- **Chief Financial Officer**
- Commissioner of Agriculture
- Governor and Cabinet

Powers and Duties

Chief Financial Officer

- “The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.”

Art. IV, § 4(c)

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- **Commissioner of Agriculture**
- Governor and Cabinet

Powers and Duties

Commissioner of Agriculture

- “The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.”

Art. IV, § 4(d)

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- **Governor and Cabinet**

Governor and Cabinet

- The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration.
Art. IV, § 4(e)
- The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.
Art. IV, § 4(f)
- The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.
Art. IV, § 4(g)

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- **Governor and Cabinet**

Governor and Cabinet

- The governor, with the approval of two members of the Cabinet, may grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

Art. IV, § 8

- In the event of revenue shortfalls, the governor and cabinet may establish all necessary reductions in the state budget in order to comply with the provisions of Article VII, Section 1(d). The governor and cabinet shall implement all necessary reductions for the executive budget, the chief justice of the supreme court shall implement all necessary reductions for the judicial budget, and the speaker and senate president shall implement all necessary reductions for the legislative budget.

Art. IV, § 13

The Cabinet

Composition

Election and Qualifications

Powers and Duties

- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- **Governor and Cabinet**

Governor and Cabinet

- “In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.”

Art. IV, § 4(a)

Executive Departments

- “All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution.”

Art. IV, § 6

Executive Departments

Departments specifically provided for or authorized by the Florida Constitution:

- Department of Veterans Affairs
- Department of Elderly Affairs
- Department of Military Affairs
- Department of Law Enforcement
- Department of Revenue
- Department of Health

Executive Departments

The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

- When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.
- Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

Art. IV, § 6

Executive Departments

Fish and Wildlife Conservation Commission

- There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate, for staggered terms of office.
- The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law.

Art. IV, § 9

Conclusion

Daniel Nordby

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Executive Office of Governor Rick Scott

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CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

9/26

Meeting Date

Proposal Number (if applicable)

*Topic

Art IV

Amendment Barcode (if applicable)

*Name

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*Speaking:

For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION OF THE STATE OF FLORIDA

ARTICLE IV EXECUTIVE

- SECTION 1.** Governor.
- SECTION 2.** Lieutenant governor.
- SECTION 3.** Succession to office of governor; acting governor.
- SECTION 4.** Cabinet.
- SECTION 5.** Election of governor, lieutenant governor and cabinet members; qualifications; terms.
- SECTION 6.** Executive departments.
- SECTION 7.** Suspensions; filling office during suspensions.
- SECTION 8.** Clemency.
- SECTION 9.** Fish and wildlife conservation commission.
- SECTION 10.** Attorney General.
- SECTION 11.** Department of Veterans Affairs.
- SECTION 12.** Department of Elderly Affairs.
- SECTION 13.** Revenue Shortfalls.

SECTION 1. Governor.—

(a) The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor's executive powers and duties. The justices shall, subject to their

rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

History.—Am. proposed by Taxation and Budget Reform Commission, Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 2. Lieutenant governor.—There shall be a lieutenant governor, who shall perform such duties pertaining to the office of governor as shall be assigned by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

History.—Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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

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

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

History.—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

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

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

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

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

(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

History.—Am. H.J.R. 435, 1983; adopted 1984; Am. H.J.R. 386, 1985; adopted 1986; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would

have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

History.—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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

- (a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.
- (b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

SECTION 7. Suspensions; filling office during suspensions.—

- (a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.
- (b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.
- (c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

History.—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 8. Clemency.—

- (a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.
- (b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session

the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

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

History.—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 9. Fish and wildlife conservation commission.—There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal life and fresh water aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.

History.—Am. C.S. for H.J.R. 637, 1973; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 5, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion no later than April 1 of the year in which the initiative is to be submitted to the voters pursuant to Section 5 of Article XI.

History.—Added, H.J.R. 71, 1986; adopted 1986; Am. S.J.R. 2394, 2004; adopted 2004.

SECTION 11. Department of Veterans Affairs.—The legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.

History.—Added, C.S. for H.J.R. 290, 1988; adopted 1988.

SECTION 12. Department of Elderly Affairs.—The legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.

History.—Added, C.S. for H.J.R. 290, 1988; adopted 1988.

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

History.—Proposed by Taxation and Budget Reform Commission Revision No. 1, 1992, filed with the Secretary of State May 7, 1992; adopted 1992.