A proposal to revise
ARTICLE IV, ss. 3(b), 4, and 8, and ARTICLE
XII, s. 9(c), Fla. Const. and create s. 22,
ARTICLE XII, Fla. Const.; providing for
membership of the Florida Cabinet.

It is proposed by the Florida Constitution Revision Commission
that:

Section 1. Subsection (b) of section 3 of Article IV
of the Florida Constitution is revised by amending that
subsection to read:

ARTICLE IV
EXECUTIVE
SECTION 3. Succession to office of governor; acting
governor.--
(b) Upon impeachment of the governor and until
completion of trial thereof, or during his 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 the two four 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 the two four cabinet members.
Incapacity to serve as governor may also be established by
certificate filed with the custodian of state records
secretary of state by the governor declaring his incapacity
for physical reasons to serve as governor, and in such case
restoration of capacity shall be similarly established.
Section 2. Section 4 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV

EXECUTIVE

SECTION 4. Cabinet.--

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, and a chief financial officer treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. Affirmative action by the governor and cabinet, sitting in any of its joint capacities, shall require the approval of the governor and at least one member of the cabinet.

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

(c) 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.

(d) The chief financial officer treasurer controller shall serve as the chief fiscal officer of the...
state, and shall settle and approve accounts against the state
and—

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

(d) 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).

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

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

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

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

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

ARTICLE IV
EXECUTIVE

SECTION 8. Clemency.—

CODING: Words stricken are deletions; words underlined are additions.
(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian secretary of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of a member three 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.

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

ARTICLE IX

EDUCATION

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

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Section 5. Subsection (c) of section 9 of Article XII of the Florida Constitution is revised by amending that 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 refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

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

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under Article IV, Section 4 said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent

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to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads and for road maintenance as authorized by law. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five state fiscal years of operation of new projects.

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to be financed, and of any other legally available pledged
revenues collected in the preceding state fiscal year. Bonds
issued pursuant to this subsection shall be payable primarily
from the pledged tolls, the pledged portions of the "second
gas tax" allocated to that county, and any other pledged
revenue, and shall mature not later than forty years from the
date of issuance.

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

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

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