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

It is proposed by the Florida Constitution Revision Commission
that:

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

ARTICLE IV
EXECUTIVE
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 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 legislature or four cabinet members,
and in such case restoration of capacity shall be similarly
determined after docketing of written suggestion thereof by
the governor or the legislature or four cabinet members.
Incapacity to serve as governor may also be established by
certificate filed with the secretary of state by the governor

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

SECTION 4. Cabinet.--

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

(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 comptroller shall serve as the chief fiscal
officer of the state, and shall settle and approve accounts
against the state.
(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.

(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 5. Election of governor and 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 the general election and in party primaries, if held, 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 and the 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

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consecutive terms shall be elected governor for the succeeding term.

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, 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 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 secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of 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 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).

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

ARTICLE VI
SUFFRAGE AND ELECTIONS
SECTION 4. Disqualifications.--
(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

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(b) No person may appear on the ballot for re-election to any of the following offices:
   (1) Florida representative,
   (2) Florida senator,
   (3) Florida Lieutenant governor,
   (4) any office of the Florida cabinet,
   (4) U.S. Representative from Florida, or
   (5) U.S. Senator from Florida

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.