

**Reference:**

Article IX, Sections 1(g), 3, 4, 5, 6, 8(a); Article XI, Section 2

**Ballot Title:**

Executive (Cabinet)

**Ballot Summary:**

Proposing a revision of the Florida Constitution to eliminate the cabinet composed of the secretary of state, the attorney general, the comptroller, the treasurer, the commissioner of agriculture and the commissioner of education in January 1983; and to provide, in such event, that the governor, acting jointly with at least one officer, as provided by law, shall be responsible for the investment of state funds, the management of bond debt and the acquisition and disposition of state lands; and to provide that other cabinet duties shall be transferred by law.

**Full Text:**

**ARTICLE IV**

**EXECUTIVE**

SECTION 1. Governor.-

(g) The governor, acting jointly with at least one officer as may be provided by law, shall be responsible for:

(1) the investment and reinvestment of all trust and agency funds and for making purchases, sales or exchanges for and on behalf of such funds, subject to any limitations of a trust agreement relating to a trust fund for as provided by law;

(2) bond debt service management, approving the issuance or refunding of bonds and any other functions relating thereto as provided by law;

(3) the purchasing, selling, leasing, transferring or otherwise disposing of all state lands as provided by law.

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 shall be determined by the supreme court in a manner 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 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 four cabinet members.~~ Incapacity to serve as governor may also be established by certificate filed with such officer provided by law ~~the 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 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. 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 legislature and executive departments.~~

~~(c) The attorney general shall be the chief state legal officer.~~

~~(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, countersigned by the governor. The governor shall countersign as a ministerial duty subject to original mandamus.~~

~~(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 lieutenant governor ~~and each cabinet member must~~ shall each be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The chief state legal officer ~~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.

#### 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 limited 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.

#### SCHEDULE WITH REGARD TO ABOLITION OF CABINET.-

(a) Unless otherwise provided herein, all powers, duties, and functions of cabinet officers provided for in the 1968 constitution or by law shall be transferred to agencies prescribed by law and the heads of such agencies shall be appointed by the governor and confirmed by the senate. They shall serve at the pleasure of the governor. All powers, duties, and functions of the cabinet officers relating to power plant siting, dredge and fill permits, rules and orders of water management districts, and developments of regional impact shall be transferred to a board appointed by the governor, and confirmed by the senate.

(b) Officers who were appointed by the governor and approved by three members of the cabinet, or who were appointed by the governor and cabinet, shall be appointed by the governor and shall be subject to confirmation by the senate.

(c) In the event the revision to Article IV, Section 4 abolishing the cabinet, is adopted, and the revision of Article IX, Section 2, creating an appointed state board of education, is not adopted, Article IX, Section 2 of the 1968 constitution, providing that the governor and cabinet shall constitute the State Board of Education, shall become a statute subject to modification or repeal as are other statutes.

(d) In the event the revision to Article IV, Section 4, abolishing the cabinet, is adopted, and the revision to Article III, Section 16 of the constitution of 1968, creating a reapportionment commission, is not adopted, the words "the attorney general" shall be deleted from that section and the phrase "officer designated by law and" shall be substituted on the effective date of the revision to Article IV, Section 4.

(e) The responsibility for settling and approving accounts of the state shall be assigned by law to an officer who is not the chief fiscal officer responsible for disbursing state funds and keeping securities.

(f) Except as otherwise provided in this constitution, revisions to Sections 1 (g), 3, 4, 5, 6, and 8 (a) of Article IV and this schedule shall be effective on January 4, 1983.

(g) The state board of administration provided for in Article XII, Section 9 of the constitution of 1968 and in Article IX, Section 16 of the constitution of 1885, as amended, and incorporated herein by reference, shall consist of such successor agency designated by law.

(h) Any reference to comptroller in the constitution of 1885, as amended, and incorporated herein by reference, shall mean the chief fiscal officer responsible for disbursing state funds and keeping securities or such other officer designated by law.

(i) Any references to attorney general in the constitution of 1885, as amended, and incorporated herein by reference, shall mean the chief state legal officer, or such other officer designated by law.

(j) In the event the revision to Article IV, Section 4, abolishing the cabinet, is adopted, then, on the effective date of that section, the following changes shall be made in the following sections of the constitution prior to its promulgation and publication.

(1) Article II, Section 2: The words "cabinet members" in the first sentence shall be deleted.

(2) Schedule to Article II, Section 7; Article III, Section 8 (b); Article IV, Section 7 (a); Article VIII, Section 1; and Article XI, Sections 2, 3, 4 and 5: The phrase "the secretary of state" shall be deleted and the phrase "such officer designed by law" shall be substituted.

(3) In the event the revision of Article III, Section 16, relating to legislative and congressional reapportionment, is not adopted, then the phrase "the secretary of state" in Article III, Section 16 (f) shall be deleted and the phrase "such officer designed by law" shall be substituted.

(4) Article XII, Section 9 (c) (5):: The phrase "and which is continued as a body corporate for the life of this subsection 9 (c)" shall be deleted and the phrase "or its successor" shall be substituted.

## **ARTICLE XI**

### **AMENDMENTS**

#### **SECTION 2. Revision commission.-**

(a) Within thirty days after the adjournment of the ~~regular~~ regular organization session of the legislature convened in ~~1996 the tenth year following that in which this constitution is adopted,~~ and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

~~(1) the attorney general of the state;~~

~~(1)(2)~~ fifteen members selected by the governor;

~~(2)(3)~~ nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

~~(3)(4)~~ ~~four three~~ members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the

membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.