

By Senator Taddeo

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Senate Joint Resolution

A joint resolution proposing amendments to Sections 3 and 4 of Article IV and the creation of a new section in Article XII of the State Constitution to establish the position of Commissioner of Insurance as a statewide elected officer and to provide for the commissioner's inclusion on the Cabinet.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 3 and 4 of Article IV and the creation of a new section in Article XII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

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 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

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30 supreme court upon due notice after docketing of a written
31 suggestion thereof by four ~~three~~ cabinet members, and in such
32 case restoration of capacity shall be similarly determined after
33 docketing of written suggestion thereof by the governor, the
34 legislature or four ~~three~~ cabinet members. Incapacity to serve
35 as governor may also be established by certificate filed with
36 the custodian of state records by the governor declaring
37 incapacity for physical reasons to serve as governor, and in
38 such case restoration of capacity shall be similarly
39 established.

40 SECTION 4. Cabinet.—

41 (a) There shall be a cabinet composed of an attorney
42 general, a chief financial officer, ~~and~~ a commissioner of
43 agriculture, and a commissioner of insurance. In addition to the
44 powers and duties specified herein, they shall exercise such
45 powers and perform such duties as may be prescribed by law. In
46 the event of a tie vote of the governor and cabinet, the side on
47 which the governor voted shall be deemed to prevail.

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

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59 otherwise provided by general law.

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

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

67 (e) The commissioner of insurance shall have supervision of
68 matters pertaining to insurance except as otherwise provided by
69 law.

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

77 (g) ~~(f)~~ The governor as chair, the chief financial officer,
78 the attorney general, ~~and~~ the commissioner of agriculture, and
79 the commissioner of insurance shall constitute the trustees of
80 the internal improvement trust fund and the land acquisition
81 trust fund as provided by law.

82 (h) ~~(g)~~ The governor as chair, the chief financial officer,
83 the attorney general, ~~and~~ the commissioner of agriculture, and
84 the commissioner of insurance shall constitute the agency head
85 of the Department of Law Enforcement. The Office of Domestic
86 Security and Counterterrorism is created within the Department
87 of Law Enforcement. The Office of Domestic Security and

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88 Counterterrorism shall provide support for prosecutors and
89 federal, state, and local law enforcement agencies that
90 investigate or analyze information relating to attempts or acts
91 of terrorism or that prosecute terrorism, and shall perform any
92 other duties that are provided by law.

ARTICLE XII

SCHEDULE

Election of commissioner of insurance.-

96 (a) The amendment establishing the office of commissioner
97 of insurance as an elected cabinet office shall take effect
98 January 3, 2023, but shall govern with respect to the qualifying
99 for and the holding of the 2022 primary and general elections
100 for the office of commissioner of insurance.

101 (b) Before January 3, 2023, the legislature shall enact
102 implementing legislation that includes any conforming changes to
103 the Florida Statutes necessitated by the election of the
104 commissioner of insurance, including, but not limited to,
105 revising the structure and powers of the Financial Services
106 Commission.

107 BE IT FURTHER RESOLVED that the following statement be
108 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE IV, SECTIONS 3 AND 4

ARTICLE XII

112 MEMBERSHIP OF CABINET; ELECTION OF COMMISSIONER OF
113 INSURANCE.—Proposing an amendment to the State Constitution to
114 establish the office of Commissioner of Insurance as a statewide
115 elected office, beginning with the 2022 election, and to include
116 the commissioner as a member of the Cabinet. Requires the

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117 Legislature to implement the amendment by law. Currently, the
118 commissioner is appointed by the Financial Services Commission
119 and is not a member of the Cabinet, and the Office of Insurance
120 Regulation is established under that commission.