

By Commissioner Thurlow-Lippisch

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1 A proposal to amend
2 Sections 3 and 4 of Article IV and create a new
3 section in Article XII of the State Constitution to
4 establish the office of Commissioner of Environmental
5 Protection as a statewide elected officer, to provide
6 duties of the commissioner, and to include the
7 commissioner as a member of the Cabinet.

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9 Be It Proposed by the Constitution Revision Commission of
10 Florida:

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12 Sections 3 and 4 of Article IV of the State Constitution
13 are amended to read:

14 ARTICLE IV

15 EXECUTIVE

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

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

22 (b) Upon impeachment of the governor and until completion
23 of trial thereof, or during the governor's physical or mental
24 incapacity, the lieutenant governor shall act as governor.
25 Further succession as acting governor shall be prescribed by
26 law. Incapacity to serve as governor may be determined by the
27 supreme court upon due notice after docketing of a written
28 suggestion thereof by four ~~three~~ cabinet members, and in such
29 case restoration of capacity shall be similarly determined after
30 docketing of written suggestion thereof by the governor, the
31 legislature or four ~~three~~ cabinet members. Incapacity to serve
32 as governor may also be established by certificate filed with

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33 the custodian of state records by the governor declaring
34 incapacity for physical reasons to serve as governor, and in
35 such case restoration of capacity shall be similarly
36 established.

37 SECTION 4. Cabinet.—

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

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

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

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62 (d) The commissioner of environmental protection shall have
63 supervision of matters pertaining to environmental protection
64 that the Department of Environmental Protection or its successor
65 agency and water management districts are required or authorized
66 by law to implement and administer.

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

70 (f) ~~(e)~~ The governor as chair, the chief financial officer,
71 and 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, the commissioner of environmental
79 protection, and the commissioner of agriculture shall constitute
80 the trustees of the internal improvement trust fund and the land
81 acquisition trust fund as provided by law.

82 (h) ~~(g)~~ The governor as chair, the chief financial officer,
83 the attorney general, the commissioner of environmental
84 protection, and the commissioner of agriculture shall constitute
85 the agency head of the Department of Law Enforcement.

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87 A new section is added to Article XII of the State
88 Constitution to read:

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ARTICLE XII

90

SCHEDULE

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91 Recomposition of the cabinet; commissioner of environmental
92 protection.-The amendment to Section 4 of Article IV relating to
93 the election of the commissioner of environmental protection and
94 the inclusion of the commissioner as a member of the cabinet
95 shall take effect January 3, 2023, but shall govern with respect
96 to the qualifying for and the holding of the primary and general
97 elections for the office of commissioner of environmental
98 protection in 2022.