

HJR 21D

2022D

House 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 are 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

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26 | of trial thereof, or during the governor's physical or mental
 27 | incapacity, the lieutenant governor shall act as governor.
 28 | Further succession as acting governor shall be prescribed by
 29 | law. Incapacity to serve as governor may be determined by the
 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

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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
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
68 of matters pertaining to insurance except as otherwise provided
69 by law.

70 (f) The 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, ~~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
 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.

93 ARTICLE XII

94 SCHEDULE

95 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 5, 2027, but shall govern with respect to the qualifying
 99 for and the holding of the 2026 primary and general elections
 100 for the office of commissioner of insurance.

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101 (b) Before January 5, 2027, 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:

109 CONSTITUTIONAL AMENDMENT

110 ARTICLE IV, SECTIONS 3 AND 4

111 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 2026 election, and to include
 116 the commissioner as a member of the Cabinet. Requires the
 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.