

HJR 1337

2012

1 House Joint Resolution

2 A joint resolution proposing an amendment to Section 1
 3 of Article IV of the State Constitution to remove the
 4 Governor's constitutional authority to fill a vacancy
 5 in an appointed or elected county office.

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

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 9 That the following amendment to Section 1 of Article IV of
 10 the State Constitution is agreed to and shall be submitted to
 11 the electors of this state for approval or rejection at the next
 12 general election or at an earlier special election specifically
 13 authorized by law for that purpose:

14 ARTICLE IV

15 EXECUTIVE

16 SECTION 1. Governor.—

17 (a) The supreme executive power shall be vested in a
 18 governor, who shall be commander-in-chief of all military forces
 19 of the state not in active service of the United States. The
 20 governor shall take care that the laws be faithfully executed,
 21 commission all officers of the state and counties, and transact
 22 all necessary business with the officers of government. The
 23 governor may require information in writing from all executive
 24 or administrative state, county or municipal officers upon any
 25 subject relating to the duties of their respective offices. The
 26 governor shall be the chief administrative officer of the state
 27 responsible for the planning and budgeting for the state.

28 (b) The governor may initiate judicial proceedings in the

29 | name of the state against any executive or administrative state,
 30 | county or municipal officer to enforce compliance with any duty
 31 | or restrain any unauthorized act.

32 | (c) The governor may request in writing the opinion of the
 33 | justices of the supreme court as to the interpretation of any
 34 | portion of this constitution upon any question affecting the
 35 | governor's executive powers and duties. The justices shall,
 36 | subject to their rules of procedure, permit interested persons
 37 | to be heard on the questions presented and shall render their
 38 | written opinion not earlier than ten days from the filing and
 39 | docketing of the request, unless in their judgment the delay
 40 | would cause public injury.

41 | (d) The governor shall have power to call out the militia
 42 | to preserve the public peace, execute the laws of the state,
 43 | suppress insurrection, or repel invasion.

44 | (e) The governor shall by message at least once in each
 45 | regular session inform the legislature concerning the condition
 46 | of the state, propose such reorganization of the executive
 47 | department as will promote efficiency and economy, and recommend
 48 | measures in the public interest.

49 | (f) When not otherwise provided for in this constitution,
 50 | the governor shall fill by appointment any vacancy in state ~~or~~
 51 | ~~county~~ office for the remainder of the term of an appointive
 52 | office, and for the remainder of the term of an elective office
 53 | if less than twenty-eight months, otherwise until the first
 54 | Tuesday after the first Monday following the next general
 55 | election.
 56 |

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57 BE IT FURTHER RESOLVED that the following statement be
 58 placed on the ballot:

59 CONSTITUTIONAL AMENDMENT

60 ARTICLE IV, SECTION 1

61 REMOVING THE GOVERNOR'S CONSTITUTIONAL AUTHORITY TO FILL A
 62 VACANCY IN A COUNTY OFFICE.—The State Constitution currently
 63 authorizes the Governor to fill by appointment any vacancy in a
 64 state or county office for the remainder of the term of an
 65 appointive office and for the remainder of the term of an
 66 elective office if less than 28 months remain in the term. This
 67 proposed amendment removes that authority from the Governor as a
 68 constitutional power, which would allow a vacancy in a county
 69 office to be filled as otherwise provided by law.