

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 739 w/CS Succession to the Office of Governor
SPONSOR(S): Kottkamp and Baxley
TIED BILLS: none **IDEN./SIM. BILLS:** SB 1488

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>State Administration</u>	<u>6 Y, 0 N w/CS</u>	<u>Bond</u>	<u>Everhart</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Florida Constitution provides that succession to the office of Governor, beyond Lieutenant Governor, is to be set by general law. Current law on the succession to the office of Governor reflects the previous Cabinet structure, placing some appointed officials in line ahead of elected Cabinet officers.

This bill reflects the change to Florida's cabinet structure by placing the current three elected cabinet officers in line directly following the Lieutenant Governor. This bill also extends the line of succession by adding the presiding officers of the Senate and House in line behind the cabinet members, and moving the now-appointed Secretary of State in line behind the legislative leaders.

This bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

n/a

B. EFFECT OF PROPOSED CHANGES:

Background

Article III, s. 3(a), Fla.Const., provides that, upon vacancy in the office of Governor, the Lieutenant Governor shall be the Governor. Further succession to the office of Governor is to be established by general law. Section 14.055, F.S., enacted pursuant to the authority of art. III, s. 3(a), Fla.Const., provides for succession to the office of Governor in the following order:

- Lieutenant Governor
- Secretary of State
- Attorney General
- Comptroller
- Treasurer
- Commissioner of Education
- Commissioner of Agriculture

If none of these persons can assume the office of Governor, the House and Senate are to meet in joint session within 15 days to select a successor Governor by majority vote of a joint session.

Florida substantially changed its constitution in 1968. Concerned that one person (the Governor) might exercise too much power, the 1968 constitution created a cabinet system whereby the Governor would share executive branch powers with a cabinet consisting of six other offices elected statewide. The 1998 Constitutional Revision Commission proposed reducing the size of the Cabinet from six to three members. In the November 1998 General Election, Florida voters approved Revision 8 making that change.

Revision 8 merged the elected cabinet offices of Treasurer and Comptroller into a Chief Financial Officer, and eliminated the positions of Secretary of State and Education Commissioner. Revision 8 took effect January 7, 2003. As a result of Revision 8, the statutory line of succession to the office of Governor has the following problems:

- After the Lieutenant Governor, second in line to the office of Governor is the Secretary of State, an appointed position that would have priority in succession over elected cabinet members.
- Fourth and fifth in line are two offices (Treasurer and Comptroller) that no longer exist.
- Sixth in line is the Commissioner of Education, an appointed position that would have priority in succession over an elected cabinet member.

- The apparent philosophy of the section is that the elected cabinet members will succeed to the office of Governor, yet the new office of Chief Financial Officer is not in the line of succession.

Effect of Bill

This bill reflects the change to Florida's cabinet structure by placing the current three elected cabinet officers in line directly following the Lieutenant Governor. This bill also extends the line of succession by adding the presiding officers of the Senate and House in line behind the cabinet members, and moving the now-appointed Secretary of State in line behind the legislative leaders. Specifically, by this bill the succession to the office of Governor upon vacancy in the office is:

- Lieutenant Governor
- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- President of the Senate
- Speaker of the House
- President Pro Tempore of the Senate
- Speaker Pro Tempore of the House
- Secretary of State

This bill also specifies that the taking of the oath of office of Governor serves as a resignation from the office vacated in order to assume the office of Governor; shortens the time for calling a special session should no person in the line of succession be available to assume the office of Governor from 15 days to 5 calendar days; and provides that, in such a special session, the successor Governor is elected by a majority vote of those legislators present.

C. SECTION DIRECTORY:

Section 1 amends s. 14.055, F.S., regarding succession to the office of Governor.

Section 2 reenacts s. 14.056, F.S., because it is cross-referenced in a section of law amended by this bill.

Section 3 provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

n/a

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 10, 2003, the Committee on State Administration adopted one amendment to this bill. The amendment extended the line of succession to include legislative leaders, placed the Secretary of State back into the line of succession, and added the automatic resignation of the prior office (to avoid dual officeholding). The amendment also changed the procedures relating to a special session on succession to reduce from 15 days to 5 days the time within which such a special session must be called, and specified that in such a special session that a majority vote of those in attendance would name the successor Governor. The bill was then reported favorably with a committee substitute.