

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HJR 811 Membership of Cabinet; Election of Secretary of State  
**SPONSOR(S):** Harrell  
**TIED BILLS:**           **IDEN./SIM. BILLS:** SJR 882

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	11 Y, 0 N	Toliver	Harrington
2) Rules & Policy Committee			
3) Government Accountability Committee			

### SUMMARY ANALYSIS

Currently, there are three publicly elected officials that comprise the Florida Cabinet: the Commissioner of Agriculture, the Attorney General, and the Chief Financial Officer. The Secretary of State is the state's chief election officer, chief cultural officer, custodian of state records, and head of the Department of State. The Secretary of State is appointed by the governor, subject to confirmation by the Senate.

The joint resolution makes the Secretary of State a statewide elected office as of June 1, 2019, and makes the Secretary of State a member of the Florida Cabinet. The Governor will appoint a person to serve as the Secretary of State until January 3, 2023. That appointment is subject to confirmation by the Senate. Beginning in 2022, and every four years thereafter, the Secretary of State will be elected concurrently with the other members of the Florida Cabinet. The resolution specifically directs the Legislature to enact implementing legislation by June 1, 2019.

The joint resolution will be considered by the electorate at the next general election on November 6, 2018. If adopted, the effective date of this resolution is June 1, 2019.

The joint resolution may have an indeterminate fiscal impact on the state. See Fiscal Comments.

**Article XI, s. 1 of the Florida Constitution requires a three-fifths vote of the members present and voting for final passage of a joint resolution proposing an amendment to the Florida Constitution. This joint resolution proposes a constitutional amendment; thus it requires a three-fifths vote for final passage.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

###### Secretary of State

The Secretary of State is the state's chief election officer,<sup>1</sup> chief cultural officer,<sup>2</sup> custodian of state records,<sup>3</sup> and head of the Department of State (department).<sup>4</sup> The department consists of the Office of the Secretary and the Divisions of Administration, Corporations, Cultural Affairs, Elections, Historical Resources, and Library and Information Services.<sup>5</sup> The Secretary of State is appointed by the governor and serves at his or her pleasure, subject to confirmation by the Senate.<sup>6</sup>

###### Florida Cabinet

Currently, there are three publicly elected members of the Florida Cabinet: the Commissioner of Agriculture, the Attorney General, and the Chief Financial Officer. Prior to 2003, there were six publicly elected members of the Florida Cabinet: the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.<sup>7</sup>

##### **Effect of the Resolution**

The joint resolution increases the size of the Florida Cabinet. It makes the Secretary of State a statewide elected office and member of the Florida Cabinet. The joint resolution provides that the Secretary of State must keep the records of the official acts of the legislative and executive departments and perform the functions conferred by the State Constitution to the custodian of state records. This joint resolution must pass each chamber with a three-fifths vote before it may be placed on the ballot.<sup>8</sup> This joint resolution must be approved by 60 percent of the electors voting. If approved by the electorate, the joint resolution will take effect on June 1, 2019.

If this joint resolution passes, the Governor is required to appoint the Secretary of State for a term beginning June 1, 2019. The Governor's appointment is subject to confirmation by the Senate. The joint resolution requires the person appointed to serve as Secretary of State to meet the same qualifications that apply to the other members of the Florida Cabinet. This process maintains the current election cycle for all members of the Florida Cabinet and allows the Secretary of State to be installed on the Florida Cabinet in an expeditious and reasonable manner and without the costs of having to conduct a statewide special election.

Beginning with the 2022 general election, the Secretary of State will be elected concurrently with the other members of the Florida Cabinet. As is the case with all members of the Florida Cabinet, the Secretary of State will be subject to an eight-year term limit.<sup>9</sup>

The joint resolution requires the Legislature to enact implementing legislation that includes any conforming changes to the Florida Statutes made necessary by the reorganization of the Florida Cabinet by the amendment's effective date.

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<sup>1</sup> Section 97.012, F.S.

<sup>2</sup> Section 265.284, F.S.

<sup>3</sup> FLA. CONST. Art XII, s. 24(b); *see also* s. 20.10(1), F.S.

<sup>4</sup> Section 20.10(1), F.S.

<sup>5</sup> Section 20.10(2), F.S.

<sup>6</sup> Section 20.10(1), F.S.

<sup>7</sup> FLA. CONST. Art. IV, s. 4(b) (1998).

<sup>8</sup> FLA. CONST. Art. XI, s. 5.

<sup>9</sup> FLA. CONST. Art. IV, s. 4.

B. SECTION DIRECTORY:

Not applicable.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Article XI, s. 5(d) of the State Constitution requires publication of a proposed constitutional amendment in a newspaper of general circulation in each county. The Division of Elections is required to advertise the full text of a proposed constitutional amendment twice in a newspaper of general circulation in each county before the election. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of a proposed amendment.<sup>10</sup>

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

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<sup>10</sup> Section 101.171, F.S.  
STORAGE NAME: h0811a.OTA  
DATE: 3/13/2017

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.