

Governance in Florida:

The Relationship Between the Legislative and Executive Branches

Florida Constitution



Legislative



Executive

Governor
Lieutenant Governor
Attorney General
Chief Financial Officer
Commissioner of Agriculture



Judicial

Supreme Court
District Court of Appeals
Circuit Court
County Court

By Thornton J. Williams, Williams McMillian Schloss P.A.

As we begin a new term of governance in Florida, it is sometimes good to reflect on the structure of government in the state of Florida.

The government of the state of Florida is established and operated according to the Florida Constitution. The Florida Constitution defines the basic structures and operation of the government, its duties, responsibilities, and powers, and establishes the basic law of the state and guarantees various rights and freedoms of the people.

As the chief executive of the state of Florida, the Governor is the head of the executive branch and the commander-in-chief of the state's military forces that are not in active service of the United States. Specifically, Article IV of the Florida Constitution sets forth the powers and duties the Governor is expected to perform.

The executive branch of the Government of Florida consists of the Governor, Lieutenant Governor, Florida Cabinet (which includes the Attorney General, Commissioner of Agriculture,

and the Chief Financial Officer), and several executive departments. Each office term is limited for two four-year terms. Note: Florida is unique among U.S. states in having a strong cabinet-style government.

According to the most-recent U.S.DOT information, every \$1 billion spent on transportation equates to 27,000-30,000 jobs. Transportation not only equals mobility, but also jobs, prosperity and economic recovery.

Members of the Florida Cabinet are independently elected, and have equal footing with the Governor on issues under the Cabinet's jurisdiction. Along with the Governor, each member carries one vote in the decision making process. In the event of a tie, the side of the

Governor is the prevailing side. Cabinet elections are held every four years, on even numbered years not divisible by four (such as 2002, 2006, etc.).

The Governor along with his cabinet is responsible for administering and enforcing the laws in the state of Florida. The Governor is also responsible for the daily operations of the state government. In this capacity, the Governor has a duty to enforce state laws, commission all officers of the state and counties, transact all necessary business with the officers of government, develop a budget that allows the government to keep operating each year, approve or veto bills passed by the Florida Legislature, convene the legislature, and to grant pardons, except in cases of impeachment. The governor has a maximum of two four-year terms before he must leave office.

Moreover, in his role as administrator, the Governor sets forth plans and goals each year for the effective running of the state of Florida. For example, as incoming Governor, Governor-elect Rick Scott, who took office on January 4, 2011, has already put forth his goal of fostering the creation of 700,000 jobs in seven years. To assist him in this extensive undertaking, he will need to gain assistance from the Legislature and provide direction to the state agencies it funds, such as the Florida Department of Transportation (FDOT).

According to the most-recent U.S.DOT information, every \$1 billion spent on transportation equates to 27,000-30,000 jobs. Transportation not only equals mobility, but also jobs, prosperity and economic recovery. Historically, the advance funding of transportation projects has led to transportation initiatives being one of the top three economic recovery methods nationally and statewide. Thus, knowing the job-creation potential of transportation, FDOT, along with the Legislature should be poised to assist in this critical economic effort.

Likewise, the legislative power of the state is vested in a legislature of the state of Florida, consisting of a Senate composed of one Senator elected from each senatorial district and a House of Representatives composed of one member elected from each representative district. Article III of the Florida Constitution mandates a bicameral state legislature with an upper house Florida Senate of 40 members and a lower Florida House of Representatives of 120 members. The Florida House of Representative members serve for two-year terms, while Florida Senate members serve for four-year terms. Due to term limits, House members may be elected for up to four terms (eight years), while State Senators can be elected for up to two terms (eight years). Former members can be elected again after a two year break. Both chambers have been in Republican control since 1994. In this past election cycle new House and Senate members were elected.

The Legislature can best be described as an authoritative assembly with the power to pass, amend, and repeal laws. In addition to enacting statutory laws or legislation, the Florida Legislature has the authority to raise or lower taxes and adopt the budget and control other

monetary spending. The Florida State Legislature passed the \$70.4 billion FY2010-2011 Florida state budget on April 30, 2010, the deadline for doing so. The FY2010-2011 budget was \$4 billion larger than the prior year's state budget.

As the legislative branch of government, the Legislature generally performs state duties for the state in the same way that the United States Congress performs federal duties at the federal level. Additionally, the same system of checks and balances that exists at the federal level also exists between the state legislature and the state executive and judicial branches.

Undoubtedly, this concept of checks and balances will definitely come into play when the Florida Legislature redraws state and Congressional district lines every 10 years after the census. With the adoption of Amendments 5 and 6 on the November 2010 ballot, all of these relationships will be tested even more. The Legislature will now have standards directing them to create districts that don't favor incumbents or a political party and that consider geographic and community boundaries. Most likely, there will be litigation challenging these new districts, but there is also potential for a new direction in Florida.

In summation, the relationship between the executive and legislative branches in Florida is a unique one, with the concept of checks and balances being utilized by both branches. With new leadership in place for both the executive and legislative branches, the future of Florida is on the cusp of unparalleled opportunity. ■

About the Author:



Thornton Williams is the Managing Partner at Williams McMillian P.A. He may be reached at 850-224-3999 or email: twilliams@twalaw.com.

2011 Florida Government Leaders



Rick Scott

Governor of Florida

Born December 1, 1952
 Bloomington, Illinois
 Political party Republican
 Alma mater University of Missouri Southern Methodist University
 Profession Business Executive
 Religion Methodism
 Spouse Ann Scott
 Children Jordan, Allison



Dean Cannon, Speaker

Florida House of Representatives

Born August 2, 1968, Bitburg US Air Force Base, Germany
 Residence Winter Park
 Political party Republican
 Alma mater University of Florida
 Profession Attorney
 Spouse Ellen Friedley
 Children Dean III, Katherine, Sarah
 Moved to Florida, 1971



Mike Haridopolos, Senate President

Born March 15, 1970
 Huntington, New York
 Residence Fort Lauderdale
 Political party Republican
 Alma mater University of Arkansas, Stetson University
 Profession College Professor, Author
 Religion Baptist
 Spouse Stephanie Haridopolos, MD
 Children Alexis, Hayden, Reagan
 Moved to Florida, 1990