Senate Joint Resolution

A joint resolution proposing amendments to Section 4 of Article IV and Sections 2 and 7 of Article IX and creating a new section in Article XII of the State Constitution to create the position of Commissioner of Education as an elected member of the Cabinet, to revise the membership of the State Board of Education, which shall consist of the Governor and the Cabinet, and to revise the membership, terms, and duties of the local boards of trustees and the Board of Governors of the State University System.

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

That the following amendments to Section 4 of Article IV and Sections 2 and 7 of Article IX 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 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture, and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.
(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The commissioner of education shall supervise the public education system in the manner prescribed by law, except as otherwise provided in this constitution.

(f) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).
(g) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture, and the commissioner of education shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(h) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture, and the commissioner of education shall constitute the agency head of the Department of Law Enforcement.

Article IX
EDUCATION

SECTION 2. State board of education.—The governor and the members of the cabinet shall constitute the state board of education, which shall be a body corporate and have such supervision of the public education system as is provided by law. The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

SECTION 7. State University System.—

(a) PURPOSES. In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.

(b) STATE UNIVERSITY SYSTEM. There shall be a single state university system comprised of all public universities. A board
of trustees shall administer each public university and a board of governors shall govern the state university system.

(c) LOCAL BOARDS OF TRUSTEES. Each local constituent public university shall be administered by a board of trustees as provided by law consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of eleven six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall administer the state be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system as provided by law. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board five fourteen citizens dedicated to the purposes of the state university system. The appointed
members shall be confirmed by the senate and serve staggered terms of four seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

Article XII
SCHEDULE
Cabinet, State Board of Education, elected Commissioner of Education, and the State University System.--
(a) The amendments to section 4 of Article IV and sections 2 and 7 of Article IX which create a cabinet position for an elected commissioner of education to supervise the public education system as provided by law, revise the membership of the state board of education to be the governor and the cabinet, revise the number of members and manner of appointment for members of the local boards of trustees for the state university system, and revise the membership, terms, and duties of the statewide board of governors, and this section, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect July 1 of the year following such general election.
(b) On the effective date of these amendments, the terms of the members serving on the state board of education, the statewide board of governors, and the local boards of trustees and the term of the commissioner of education shall expire.
(c) On the effective date of these amendments, the governor and cabinet shall appoint a commissioner of education to serve until a commissioner of education is elected in the next general
election following the adoption of these amendments.

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

CONSTITUTIONAL AMENDMENTS

ARTICLE IV, SECTION 4

ARTICLE IX, SECTIONS 2 AND 7

ARTICLE XII

RESTRUCTURING THE STATE CABINET; ELECTED COMMISSIONER OF EDUCATION; RESTRUCTURING THE LOCAL BOARDS OF TRUSTEES AND THE STATEWIDE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.--Proposing amendments to the State Constitution which will create an elected Commissioner of Education who will be a member of the Cabinet and will be responsible for the supervision of public education; eliminate an appointed State Board of Education and replace the board with the Governor and the Cabinet; provide that the State Board of Education will be responsible for the supervision of public education; revise the membership of the local boards of trustees by eliminating the authority of the statewide Board of Governors to appoint members; limit the authority and duties of the local boards of trustees; revise the membership of the statewide Board of Governors by reducing the number of appointed members and their terms; limit the authority of the statewide Board of Governors to administer the State University System; provide that the terms of the currently appointed members of the State Board of Education, local boards of trustees, and the statewide Board of Governors, and the term of the currently appointed Commissioner of Education shall expire July 1 of the year following the adoption of these amendments in the next general election; and provide for the
appointment of a Commissioner of Education by the Governor and Cabinet until a Commissioner of Education is elected in the next general election following the adoption of these amendments.