

By the Committee on Education Pre-K - 12; and Senators Wilson and Bullard

581-1908-07

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Senate Joint Resolution

A joint resolution proposing amendments to Section 4 of Article IV and Section 2 of Article IX of the State Constitution to create the position of Commissioner of Education, who will be an elected member of the Cabinet.

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

That the following amendments to Section 4 of Article IV and Section 2 of Article IX of the State Constitution are agreed to, 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, and, if approved, shall take effect January 4, 2011, with the office of Commissioner of Education filled initially at the 2010 general election:

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

1 prosecutor shall have concurrent jurisdiction with the state
2 attorneys to prosecute violations of criminal laws occurring
3 or having occurred, in two or more judicial circuits as part
4 of a related transaction, or when any such offense is
5 affecting or has affected two or more judicial circuits as
6 provided by general law. The statewide prosecutor shall be
7 appointed by the attorney general from not fewer ~~less~~ than
8 three persons nominated by the judicial nominating commission
9 for the supreme court, or as otherwise provided by general
10 law.

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

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

18 (e) The commissioner of education shall supervise the
19 free public education system in the manner prescribed by law.

20 ~~(f)(e)~~ The governor as chair, the chief financial
21 officer, and the attorney general shall constitute the state
22 board of administration, which shall succeed to all the power,
23 control, and authority of the state board of administration
24 established pursuant to Article IX, Section 16 of the
25 Constitution of 1885, and which shall continue as a body at
26 least for the life of Article XII, Section 9(c).

27 ~~(g)(f)~~ The governor as chair, the chief financial
28 officer, the attorney general, and the commissioner of
29 agriculture shall constitute the trustees of the internal
30 improvement trust fund and the land acquisition trust fund as
31 provided by law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Joint Resolution 388

This committee substitute removes a conflicting requirement that the State Board of Education appoint the Commissioner of Education, contained in Section 2 of Article IX of the State Constitution. This bill also clarifies that the Commissioner of Education has supervisory authority over the free public education system, as provided by law.