${\bf By}$ the Committee on Education Pre-K - 12; and Senators Wilson and Bullard

581-1908-07

1	Senate Joint Resolution
2	A joint resolution proposing amendments to
3	Section 4 of Article IV and Section 2 of
4	Article IX of the State Constitution to create
5	the position of Commissioner of Education, who
6	will be an elected member of the Cabinet.
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8	Be It Resolved by the Legislature of the State of Florida:
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10	That the following amendments to Section 4 of Article
11	IV and Section 2 of Article IX of the State Constitution are
12	agreed to, shall be submitted to the electors of this state
13	for approval or rejection at the next general election or at
14	an earlier special election specifically authorized by law for
15	that purpose, and, if approved, shall take effect January 4,
16	2011, with the office of Commissioner of Education filled
17	initially at the 2010 general election:
18	ARTICLE IV
19	EXECUTIVE
20	SECTION 4. Cabinet
21	(a) There shall be a cabinet composed of an attorney
22	general, a chief financial officer, and a commissioner of
23	agriculture, and a commissioner of education. In addition to
24	the powers and duties specified herein, they shall exercise
25	such powers and perform such duties as may be prescribed by
26	law. In the event of a tie vote of the governor and cabinet,
27	the side on which the governor voted shall be deemed to
28	prevail.
29	(b) The attorney general shall be the chief state
30	legal officer. There is created in the office of the attorney
31	general the position of statewide prosecutor. The statewide

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CODING: Words stricken are deletions; words underlined are additions.

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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 fewer 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 free public education system in the manner prescribed by law.

(f)(e) 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).

(q)(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

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(h) (q) The governor as chair, the chief financial 2 officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department 3 4 of Law Enforcement. 5 ARTICLE IX 6 EDUCATION 7 SECTION 2. State board of education. -- The state board 8 of education shall be a body corporate and have such supervision of the system of free public education as is 9 10 provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year 11 12 terms, subject to confirmation by the senate. The state board 13 of education shall appoint the commissioner of education. BE IT FURTHER RESOLVED that the following statement be 14 placed on the ballot: 15 CONSTITUTIONAL AMENDMENT 16 17 ARTICLE IV, SECTION 4 ARTICLE IX, SECTION 2 18 COMPOSITION OF CABINET; OFFICE OF COMMISSIONER OF 19 EDUCATION.--Proposing an amendment to the State Constitution 20 21 to create the office of Commissioner of Education, who will be 22 an elected member of the Cabinet and responsible for the 23 supervision of the free public education system in the manner prescribed by law, and to delete the power of the state board 2.4 of education to appoint the Commissioner of Education. 25 26 27 28 29 30

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	Senate Joint Resolution 388
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4	This committee substitute removes a conflicting requirement that the State Board of Education appoint the Commissioner of
5	Education, contained in Section 2 of Article IX of the State Constitution. This bill also clarifies that the Commissioner
6	of Education has supervisory authority over the free public education system, as provided by law.
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