

By Senator Wilson

33-00067-08

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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 prosecutor

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30 shall have concurrent jurisdiction with the state attorneys to
31 prosecute violations of criminal laws occurring or having
32 occurred, in two or more judicial circuits as part of a related
33 transaction, or when any such offense is affecting or has
34 affected two or more judicial circuits as provided by general
35 law. The statewide prosecutor shall be appointed by the attorney
36 general from not fewer ~~less~~ than three persons nominated by the
37 judicial nominating commission for the supreme court, or as
38 otherwise provided by general law.

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

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

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

48 (f)~~(e)~~ The governor as chair, the chief financial officer,
49 and the attorney general shall constitute the state board of
50 administration, which shall succeed to all the power, control,
51 and authority of the state board of administration established
52 pursuant to Article IX, Section 16 of the Constitution of 1885,
53 and which shall continue as a body at least for the life of
54 Article XII, Section 9(c).

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

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

ARTICLE IX

EDUCATION

65 SECTION 2. State board of education.--The state board of
66 education shall be a body corporate and have such supervision of
67 the system of free public education as is provided by law. The
68 state board of education shall consist of seven members appointed
69 by the governor to staggered 4-year terms, subject to
70 confirmation by the senate. ~~The state board of education shall~~
71 ~~appoint the commissioner of education.~~

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

CONSTITUTIONAL AMENDMENT

ARTICLE IV, SECTION 4

ARTICLE IX, SECTION 2

77 COMPOSITION OF CABINET; OFFICE OF COMMISSIONER OF
78 EDUCATION.--Proposing an amendment to the State Constitution to
79 create the office of Commissioner of Education, who will be an
80 elected member of the Cabinet and responsible for the supervision
81 of the free public education system in the manner prescribed by
82 law, and to delete the power of the state board of education to
83 appoint the Commissioner of Education.