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Proposed Committee Substitute by the Committee on Higher Education
Appropriations

Senate Joint Resolution

A joint resolution proposing amendments to Section 4 of Article IV and Sections 2 and 7 of Article IX, the creation of Section 8 of Article IX, and the creation of 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, to revise the membership, terms, and duties of the local boards of trustees and the Board of Governors of the State University System, to establish the Florida College System, to provide for a local board of trustees to govern each institution in the Florida College System, to provide for the Florida College Board, and to provide an effective date.

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, the creation of Section 8 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:

ARTICLE IV
EXECUTIVE

SECTION 4. Cabinet.--



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28 (a) There shall be a cabinet composed of an attorney
29 general, a chief financial officer, ~~and~~ a commissioner of
30 agriculture, and a commissioner of education. In addition to the
31 powers and duties specified herein, they shall exercise such
32 powers and perform such duties as may be prescribed by law. In
33 the event of a tie vote of the governor and cabinet, the side on
34 which the governor voted shall be deemed to prevail.

35 (b) The attorney general shall be the chief state legal
36 officer. There is created in the office of the attorney general
37 the position of statewide prosecutor. The statewide prosecutor
38 shall have concurrent jurisdiction with the state attorneys to
39 prosecute violations of criminal laws occurring or having
40 occurred, in two or more judicial circuits as part of a related
41 transaction, or when any such offense is affecting or has
42 affected two or more judicial circuits as provided by general
43 law. The statewide prosecutor shall be appointed by the attorney
44 general from not less than three persons nominated by the
45 judicial nominating commission for the supreme court, or as
46 otherwise provided by general law.

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

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

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



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57 | (f)~~(e)~~ The governor as chair, the chief financial officer,
58 | and the attorney general shall constitute the state board of
59 | administration, which shall succeed to all the power, control,
60 | and authority of the state board of administration established
61 | pursuant to Article IX, Section 16 of the Constitution of 1885,
62 | and which shall continue as a body at least for the life of
63 | Article XII, Section 9(c).

64 | (g)~~(f)~~ The governor as chair, the chief financial officer,
65 | the attorney general, ~~and~~ the commissioner of agriculture, and
66 | the commissioner of education shall constitute the trustees of
67 | the internal improvement trust fund and the land acquisition
68 | trust fund as provided by law.

69 | (h)~~(g)~~ The governor as chair, the chief financial officer,
70 | the attorney general, ~~and~~ the commissioner of agriculture, and
71 | the commissioner of education shall constitute the agency head of
72 | the Department of Law Enforcement.

73 | ARTICLE IX

74 | EDUCATION

75 | SECTION 2. State board of education.--The governor and the
76 | members of the cabinet shall constitute the state board of
77 | education, which shall be a body corporate and have such
78 | supervision of the public education system as is provided by law.
79 | ~~The state board of education shall be a body corporate and have~~
80 | ~~such supervision of the system of free public education as is~~
81 | ~~provided by law. The state board of education shall consist of~~
82 | ~~seven members appointed by the governor to staggered 4 year~~
83 | ~~terms, subject to confirmation by the senate. The state board of~~
84 | ~~education shall appoint the commissioner of education.~~

85 | SECTION 7. State university system.--



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

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

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

107 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors
108 shall administer the state ~~be a body corporate consisting of~~
109 ~~seventeen members. The board shall operate, regulate, control,~~
110 ~~and be fully responsible for the management of the whole~~
111 ~~university system~~ as provided by law. ~~These responsibilities~~
112 ~~shall include, but not be limited to, defining the distinctive~~
113 ~~mission of each constituent university and its articulation with~~
114 ~~free public schools and community colleges, ensuring the well-~~
115 ~~planned coordination and operation of the system, and avoiding~~



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116 ~~wasteful duplication of facilities or programs. The board's~~
117 ~~management shall be subject to the powers of the legislature to~~
118 ~~appropriate for the expenditure of funds, and the board shall~~
119 ~~account for such expenditures as provided by law. The governor~~
120 shall appoint to the board six ~~fourteen~~ citizens dedicated to the
121 purposes of the state university system. The appointed members
122 shall be confirmed by the senate and serve staggered terms of
123 four ~~seven~~ years as provided by law. The commissioner of
124 education, the chair of the advisory council of faculty senates,
125 or the equivalent, and the president of the Florida student
126 association, or the equivalent, shall also be members of the
127 board.

128 SECTION 8. Florida college system.--

129 (a) PURPOSES. In order to maximize open access for
130 students, respond to community needs for postsecondary academic
131 education and career degree education, and provide associate and
132 baccalaureate degrees that will best meet the state's employment
133 needs, the people hereby establish a system of governance for the
134 Florida college system.

135 (b) FLORIDA COLLEGE SYSTEM. There shall be a single
136 Florida college system comprised of two-year and four-year public
137 postsecondary educational institutions that grant academic
138 degrees at the undergraduate level as provided by law. An
139 institution within the Florida college system may not offer
140 graduate degree programs.

141 (c) LOCAL BOARDS OF TRUSTEES. Each institution within the
142 Florida college system shall be governed by a local board of
143 trustees as provided by law. The membership of each local board
144 of trustees shall be as provided by law.



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145 (d) FLORIDA COLLEGE BOARD. The Florida college board shall
146 oversee and coordinate the Florida college system as provided by
147 law. The governor shall appoint to the board six citizens
148 dedicated to the purposes of the Florida college system. The
149 appointed members shall be confirmed by the senate and serve
150 staggered terms of four years as provided by law. The
151 commissioner of education shall also be a member of the board.

152 ARTICLE XII

153 SCHEDULE

154 Cabinet, state board of education, elected commissioner of
155 education, state university system, and Florida college system.--

156 (a) The amendments to Section 4 of Article IV and Sections
157 2 and 7 of Article IX and the creation of Section 8 of Article
158 IX, which create a cabinet position for an elected commissioner
159 of education to supervise the public education system as provided
160 by law, revise the membership of the state board of education to
161 consist of the governor and the cabinet, revise the manner of
162 appointment for members of the local boards of trustees for the
163 state university system, revise the membership, terms, and duties
164 of the statewide board of governors, and establish the Florida
165 college system, and this section, if submitted to the electors of
166 this state for approval or rejection at the next general election
167 and if approved, shall take effect July 1 of the year following
168 such general election.

169 (b) On the effective date of these amendments, the terms of
170 the members serving on the state board of education and the
171 statewide board of governors and the term of the commissioner of
172 education shall expire. The term of a member of a local board of
173 trustees shall not expire on the effective date of these
174 amendments, but the term shall expire at the end of the term for



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175 which the member was originally appointed.

176 (c) On the effective date of these amendments, the governor
177 and cabinet shall appoint a commissioner of education to serve
178 until a commissioner of education is elected in the next general
179 election following the adoption of these amendments.

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

182 CONSTITUTIONAL AMENDMENTS

183 ARTICLE IV, SECTION 4

184 ARTICLE IX, SECTIONS 2, 7, AND 8

185 ARTICLE XII

186 RESTRUCTURING THE STATE CABINET; ELECTED COMMISSIONER OF
187 EDUCATION; RESTRUCTURING THE LOCAL BOARDS OF TRUSTEES AND THE
188 STATEWIDE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM;
189 ESTABLISHING THE FLORIDA COLLEGE SYSTEM.--Proposing amendments to
190 the State Constitution which will create an elected Commissioner
191 of Education who will be a member of the Cabinet and will be
192 responsible for the supervision of public education as provided
193 by law; include the Commissioner of Education with other Cabinet
194 members as a trustee of the Internal Improvement Trust Fund and
195 the Land Acquisition Trust Fund and as agency head of the
196 Department of Law Enforcement; eliminate an appointed State Board
197 of Education and replace the board with the Governor and the
198 Cabinet; provide that the State Board of Education will be
199 responsible for the supervision of public education as provided
200 by law; establish the Florida College System comprised of 2-year
201 and 4-year public postsecondary educational institutions that
202 grant academic degrees at the undergraduate level as provided by
203 law; provide for the governance of each institution within the
204 Florida College System by a local board of trustees as provided



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205 | by law; provide that the Florida College Board, which shall be
206 | comprised of the Commissioner of Education and six citizens
207 | appointed by the Governor and confirmed by the Senate, shall
208 | oversee and coordinate the Florida College System as provided by
209 | law; revise the membership of the local boards of trustees by
210 | eliminating the authority of the statewide Board of Governors to
211 | appoint members; provide that the authority and duties of the
212 | local boards of trustees shall be as provided by law; revise the
213 | membership of the statewide Board of Governors by reducing the
214 | number of appointed members and their terms; provide that the
215 | authority of the statewide Board of Governors to administer the
216 | State University System shall be as provided by law; provide that
217 | the terms of the currently appointed members of the State Board
218 | of Education and the statewide Board of Governors and the term of
219 | the currently appointed Commissioner of Education shall expire
220 | July 1 of the year following the adoption of these amendments in
221 | the next general election; provide that the term of a member of a
222 | local board of trustees shall expire at the end of the term for
223 | which the member was originally appointed; provide for the
224 | appointment of a Commissioner of Education by the Governor and
225 | Cabinet until a Commissioner of Education is elected in the next
226 | general election following the adoption of these amendments; and
227 | provide that these amendments shall take effect July 1 of the
228 | year following the next general election.