

By Senator Carlton

23-03742A-08

20082308\_\_

## 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.

23-03742A-08

20082308\_\_

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

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

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

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

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

23-03742A-08

20082308\_\_

59           (g)~~(f)~~ The governor as chair, the chief financial officer,  
60 the attorney general, ~~and~~ and the commissioner of agriculture, and  
61 the commissioner of education shall constitute the trustees of  
62 the internal improvement trust fund and the land acquisition  
63 trust fund as provided by law.

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

#### 68                               Article IX

#### 69                               EDUCATION

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

80           SECTION 7. State University System.—

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

86           (b) STATE UNIVERSITY SYSTEM. There shall be a single state  
87 university system comprised of all public universities. ~~A board~~

23-03742A-08

20082308\_\_

88 ~~of trustees shall administer each public university and a board~~  
89 ~~of governors shall govern the state university system.~~

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

102 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors  
103 shall administer the state ~~be a body corporate consisting of~~  
104 ~~seventeen members. The board shall operate, regulate, control,~~  
105 ~~and be fully responsible for the management of the whole~~  
106 university system as provided by law. ~~These responsibilities~~  
107 ~~shall include, but not be limited to, defining the distinctive~~  
108 ~~mission of each constituent university and its articulation with~~  
109 ~~free public schools and community colleges, ensuring the well-~~  
110 ~~planned coordination and operation of the system, and avoiding~~  
111 ~~wasteful duplication of facilities or programs. The board's~~  
112 ~~management shall be subject to the powers of the legislature to~~  
113 ~~appropriate for the expenditure of funds, and the board shall~~  
114 ~~account for such expenditures as provided by law. The governor~~  
115 shall appoint to the board five ~~fourteen~~ citizens dedicated to  
116 the purposes of the state university system. The appointed

23-03742A-08

20082308\_\_

117 members shall be confirmed by the senate and serve staggered  
118 terms of four ~~seven~~ years as provided by law. The commissioner of  
119 education, the chair of the advisory council of faculty senates,  
120 or the equivalent, and the president of the Florida student  
121 association, or the equivalent, shall also be members of the  
122 board.

## Article XII

## SCHEDULE

125 Cabinet, State Board of Education, elected Commissioner of  
126 Education, and the State University System.--

127 (a) The amendments to section 4 of Article IV and sections  
128 2 and 7 of Article IX which create a cabinet position for an  
129 elected commissioner of education to supervise the public  
130 education system as provided by law, revise the membership of the  
131 state board of education to be the governor and the cabinet,  
132 revise the number of members and manner of appointment for  
133 members of the local boards of trustees for the state university  
134 system, and revise the membership, terms, and duties of the  
135 statewide board of governors, and this section, if submitted to  
136 the electors of this state for approval or rejection at the next  
137 general election, shall take effect July 1 of the year following  
138 such general election.

139 (b) On the effective date of these amendments, the terms of  
140 the members serving on the state board of education, the  
141 statewide board of governors, and the local boards of trustees  
142 and the term of the commissioner of education shall expire.

143 (c) On the effective date of these amendments, the governor  
144 and cabinet shall appoint a commissioner of education to serve  
145 until a commissioner of education is elected in the next general

23-03742A-08

20082308\_\_

146 election following the adoption of these amendments.

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

149 CONSTITUTIONAL AMENDMENTS

150 ARTICLE IV, SECTION 4

151 ARTICLE IX, SECTIONS 2 AND 7

152 ARTICLE XII

153 RESTRUCTURING THE STATE CABINET; ELECTED COMMISSIONER OF  
154 EDUCATION; RESTRUCTURING THE LOCAL BOARDS OF TRUSTEES AND THE  
155 STATEWIDE BOARD OF GOVERNORS OF THE STATE UNIVERSITY  
156 SYSTEM.--Proposing amendments to the State Constitution which  
157 will create an elected Commissioner of Education who will be a  
158 member of the Cabinet and will be responsible for the supervision  
159 of public education; eliminate an appointed State Board of  
160 Education and replace the board with the Governor and the  
161 Cabinet; provide that the State Board of Education will be  
162 responsible for the supervision of public education; revise the  
163 membership of the local boards of trustees by eliminating the  
164 authority of the statewide Board of Governors to appoint members;  
165 limit the authority and duties of the local boards of trustees;  
166 revise the membership of the statewide Board of Governors by  
167 reducing the number of appointed members and their terms; limit  
168 the authority of the statewide Board of Governors to administer  
169 the State University System; provide that the terms of the  
170 currently appointed members of the State Board of Education,  
171 local boards of trustees, and the statewide Board of Governors,  
172 and the term of the currently appointed Commissioner of Education  
173 shall expire July 1 of the year following the adoption of these  
174 amendments in the next general election; and provide for the

23-03742A-08

20082308\_\_

175 | appointment of a Commissioner of Education by the Governor and  
176 | Cabinet until a Commissioner of Education is elected in the next  
177 | general election following the adoption of these amendments.