

By the Committees on Higher Education Appropriations; Education Pre-K - 12; and Senators Carlton, Wilson and Bullard

605-04980-08

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## 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 require the Commissioner of Education to hold a bachelor's degree or a higher academic degree, 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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30 (a) There shall be a cabinet composed of an attorney  
31 general, a chief financial officer, ~~and~~ a commissioner of  
32 agriculture, and a commissioner of education. In addition to the  
33 powers and duties specified herein, they shall exercise such  
34 powers and perform such duties as may be prescribed by law. In  
35 the event of a tie vote of the governor and cabinet, the side on  
36 which the governor voted shall be deemed to prevail.

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

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

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

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

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59 education must have earned a bachelor's degree or a higher  
60 academic degree.

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

68 (g)~~(f)~~ The governor as chair, the chief financial officer,  
69 the attorney general, ~~and~~ the commissioner of agriculture, and  
70 the commissioner of education shall constitute the trustees of  
71 the internal improvement trust fund and the land acquisition  
72 trust fund as provided by law.

73 (h)~~(g)~~ The governor as chair, the chief financial officer,  
74 the attorney general, ~~and~~ the commissioner of agriculture, and  
75 the commissioner of education shall constitute the agency head of  
76 the Department of Law Enforcement.

## 77 ARTICLE IX

### 78 EDUCATION

79 SECTION 2. State board of education.--The governor and the  
80 members of the cabinet shall constitute the state board of  
81 education, which shall be a body corporate and have such  
82 supervision of the public education system as is provided by law.  
83 ~~The state board of education shall be a body corporate and have~~  
84 ~~such supervision of the system of free public education as is~~  
85 ~~provided by law. The state board of education shall consist of~~  
86 ~~seven members appointed by the governor to staggered 4-year~~

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87 ~~terms, subject to confirmation by the senate. The state board of~~  
88 ~~education shall appoint the commissioner of education.~~

89 SECTION 7. State university system.--

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

95 (b) STATE UNIVERSITY SYSTEM. There shall be a single state  
96 university system comprised of all public universities. ~~A board~~  
97 ~~of trustees shall administer each public university and a board~~  
98 ~~of governors shall govern the state university system.~~

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

111 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors  
112 shall administer the state ~~be a body corporate consisting of~~  
113 ~~seventeen members. The board shall operate, regulate, control,~~  
114 ~~and be fully responsible for the management of the whole~~  
115 university system as provided by law. ~~These responsibilities~~

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116 ~~shall include, but not be limited to, defining the distinctive~~  
117 ~~mission of each constituent university and its articulation with~~  
118 ~~free public schools and community colleges, ensuring the well-~~  
119 ~~planned coordination and operation of the system, and avoiding~~  
120 ~~wasteful duplication of facilities or programs. The board's~~  
121 ~~management shall be subject to the powers of the legislature to~~  
122 ~~appropriate for the expenditure of funds, and the board shall~~  
123 ~~account for such expenditures as provided by law. The governor~~  
124 shall appoint to the board six ~~fourteen~~ citizens dedicated to the  
125 purposes of the state university system. The appointed members  
126 shall be confirmed by the senate and serve staggered terms of  
127 four ~~seven~~ years as provided by law. The commissioner of  
128 education, the chair of the advisory council of faculty senates,  
129 or the equivalent, and the president of the Florida student  
130 association, or the equivalent, shall also be members of the  
131 board.

132 SECTION 8. Florida college system.--

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

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

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145       (c) LOCAL BOARDS OF TRUSTEES. Each institution within the  
146 Florida college system shall be governed by a local board of  
147 trustees as provided by law. The membership of each local board  
148 of trustees shall be as provided by law.

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

156                   ARTICLE XII

157                   SCHEDULE

158       Cabinet, state board of education, elected commissioner of  
159 education, state university system, and Florida college system.--

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

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174 general election.

175 (b) On the effective date of these amendments, the terms of  
176 the members serving on the state board of education and the  
177 statewide board of governors and the term of the commissioner of  
178 education shall expire. The term of a member of a local board of  
179 trustees shall not expire on the effective date of these  
180 amendments, but the term shall expire at the end of the term for  
181 which the member was originally appointed.

182 (c) On the effective date of these amendments, the governor  
183 and cabinet shall appoint a commissioner of education to serve  
184 until a commissioner of education is elected in the next general  
185 election following the adoption of these amendments.

186 BE IT FURTHER RESOLVED that the following statement be  
187 placed on the ballot:

188 CONSTITUTIONAL AMENDMENTS

189 ARTICLE IV, SECTION 4

190 ARTICLE IX, SECTIONS 2, 7, AND 8

191 ARTICLE XII

192 RESTRUCTURING THE STATE CABINET; ELECTED COMMISSIONER OF  
193 EDUCATION; RESTRUCTURING THE LOCAL BOARDS OF TRUSTEES AND THE  
194 STATEWIDE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM;  
195 ESTABLISHING THE FLORIDA COLLEGE SYSTEM.--Proposing amendments to  
196 the State Constitution which will create an elected Commissioner  
197 of Education who will be a member of the Cabinet and will be  
198 responsible for the supervision of public education as provided  
199 by law; require the Commissioner of Education to hold a  
200 bachelor's degree or a higher academic degree; include the  
201 Commissioner of Education with other Cabinet members as a trustee  
202 of the Internal Improvement Trust Fund and the Land Acquisition

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203 Trust Fund and as agency head of the Department of Law  
204 Enforcement; eliminate an appointed State Board of Education and  
205 replace the board with the Governor and the Cabinet; provide that  
206 the State Board of Education will be responsible for the  
207 supervision of public education as provided by law; establish the  
208 Florida College System comprised of 2-year and 4-year public  
209 postsecondary educational institutions that grant academic  
210 degrees at the undergraduate level as provided by law; provide  
211 for the governance of each institution within the Florida College  
212 System by a local board of trustees as provided by law; provide  
213 that the Florida College Board, which shall be comprised of the  
214 Commissioner of Education and six citizens appointed by the  
215 Governor and confirmed by the Senate, shall oversee and  
216 coordinate the Florida College System as provided by law; revise  
217 the membership of the local boards of trustees by eliminating the  
218 authority of the statewide Board of Governors to appoint members;  
219 provide that the authority and duties of the local boards of  
220 trustees shall be as provided by law; revise the membership of  
221 the statewide Board of Governors by reducing the number of  
222 appointed members and their terms; provide that the authority of  
223 the statewide Board of Governors to administer the State  
224 University System shall be as provided by law; provide that the  
225 terms of the currently appointed members of the State Board of  
226 Education and the statewide Board of Governors and the term of  
227 the currently appointed Commissioner of Education shall expire  
228 July 1 of the year following the adoption of these amendments in  
229 the next general election; provide that the term of a member of a  
230 local board of trustees shall expire at the end of the term for  
231 which the member was originally appointed; provide for the



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232 | appointment of a Commissioner of Education by the Governor and  
233 | Cabinet until a Commissioner of Education is elected in the next  
234 | general election following the adoption of these amendments; and  
235 | provide that these amendments shall take effect July 1 of the  
236 | year following the next general election.