

House Joint Resolution

A joint resolution proposing the amendment of Section 4 of Article IV and Section 2 of Article IX and the creation of Section 27 of Article XII of the State Constitution to create the position of Commissioner of Education, who will be an elected member of the Cabinet, and to provide an effective date and for filling the initial term for the office of Commissioner of Education.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Section 4 of Article IV and Section 2 of Article IX and the creation of Section 27 of 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.

(b) The attorney general shall be the chief state legal

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

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

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

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

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

56 (g)~~(f)~~ The governor as chair, the chief financial officer,

57 | the attorney general, and the commissioner of agriculture shall
 58 | constitute the trustees of the internal improvement trust fund
 59 | and the land acquisition trust fund as provided by law.

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

63 | ARTICLE IX

64 | 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
 69 | appointed 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 | ARTICLE XII

73 | SCHEDULE

74 | SECTION 27. Commissioner of education.--The amendment to
 75 | Section 4 of Article IV and Section 2 of Article IX creating the
 76 | office of commissioner of education as a cabinet officer shall
 77 | take effect January 4, 2011, with the office of commissioner of
 78 | education filled initially at the 2010 general election.

79 | BE IT FURTHER RESOLVED that the following statement be
 80 | placed on the ballot:

81 | CONSTITUTIONAL AMENDMENT

82 | ARTICLE IV, SECTION 4;

83 | ARTICLE IX, SECTION 2;

84 | ARTICLE XII, SECTION 27

HJR 55

2008

85 COMPOSITION OF CABINET; OFFICE OF COMMISSIONER OF
86 EDUCATION.--Proposing an amendment to the State Constitution to
87 create the office of Commissioner of Education, who will be an
88 elected member of the Cabinet and responsible for the
89 supervision of the public education system in the manner
90 prescribed by law, and to provide an effective date of January
91 4, 2011, for such change and for the office of Commissioner of
92 Education to be filled initially at the 2010 general election.