

House 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.--

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  
 53 provided 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.

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  
 72 of 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  
 79 law. ~~The state board of education shall be a body corporate and~~  
 80 ~~have such supervision of the system of free public education as~~  
 81 ~~is provided by law. The state board of education shall consist~~

82 ~~of 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.--

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  
 90 governance for the state university system of Florida.

91 (b) STATE UNIVERSITY SYSTEM. There shall be a single  
 92 state university system comprised of all public universities. A  
 93 ~~board of trustees shall administer each public university and a~~  
 94 ~~board 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~~  
 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  
 121 the purposes of the state university system. The appointed  
 122 members shall be confirmed by the senate and serve staggered  
 123 terms of four ~~seven~~ years as provided by law. The commissioner  
 124 of education, the chair of the advisory council of faculty  
 125 senates, or the equivalent, and the president of the Florida  
 126 student association, or the equivalent, shall also be members of  
 127 the 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  
 134 the Florida college system.

135 (b) FLORIDA COLLEGE SYSTEM. There shall be a single  
 136 Florida college system comprised of two-year and four-year  
 137 public postsecondary educational institutions that grant

138 academic degrees at the undergraduate level as provided by law.  
 139 An 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.

145 (d) FLORIDA COLLEGE BOARD. The Florida college board  
 146 shall oversee and coordinate the Florida college system as  
 147 provided by law. The governor shall appoint to the board six  
 148 citizens dedicated to the purposes of the Florida college  
 149 system. The appointed members shall be confirmed by the senate  
 150 and serve 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  
 156 system.--

157 (a) The amendments to Section 4 of Article IV and Sections  
 158 2 and 7 of Article IX and the creation of Section 8 of Article  
 159 IX, which create a cabinet position for an elected commissioner  
 160 of education to supervise the public education system as  
 161 provided by law, revise the membership of the state board of  
 162 education to consist of the governor and the cabinet, revise the  
 163 manner of appointment for members of the local boards of  
 164 trustees for the state university system, revise the membership,  
 165 terms, and duties of the statewide board of governors, and

166 establish the Florida college system, and this section, if  
 167 submitted to the electors of this state for approval or  
 168 rejection at the next general election and if approved, shall  
 169 take effect July 1 of the year following such general election.

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

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

182 BE IT FURTHER RESOLVED that the following statement be  
 183 placed on the ballot:

184 CONSTITUTIONAL AMENDMENTS

185 ARTICLE IV, SECTION 4

186 ARTICLE IX, SECTIONS 2, 7, AND 8

187 ARTICLE XII

188 RESTRUCTURING THE STATE CABINET; ELECTED COMMISSIONER OF  
 189 EDUCATION; RESTRUCTURING THE LOCAL BOARDS OF TRUSTEES AND THE  
 190 STATEWIDE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM;  
 191 ESTABLISHING THE FLORIDA COLLEGE SYSTEM.--Proposing amendments  
 192 to the State Constitution which will create an elected  
 193 Commissioner of Education who will be a member of the Cabinet

194 and will be responsible for the supervision of public education  
 195 as provided by law; include the Commissioner of Education with  
 196 other Cabinet members as a trustee of the Internal Improvement  
 197 Trust Fund and the Land Acquisition Trust Fund and as agency  
 198 head of the Department of Law Enforcement; eliminate an  
 199 appointed State Board of Education and replace the board with  
 200 the Governor and the Cabinet; provide that the State Board of  
 201 Education will be responsible for the supervision of public  
 202 education as provided by law; revise the membership of the local  
 203 boards of trustees by eliminating the authority of the statewide  
 204 Board of Governors to appoint members; provide that the  
 205 authority and duties of the local boards of trustees shall be as  
 206 provided by law; revise the membership of the statewide Board of  
 207 Governors by reducing the number of appointed members and their  
 208 terms; provide that the authority of the statewide Board of  
 209 Governors to administer the State University System shall be as  
 210 provided by law; establish the Florida College System comprised  
 211 of 2-year and 4-year public postsecondary educational  
 212 institutions that grant academic degrees at the undergraduate  
 213 level as provided by law; provide for the governance of each  
 214 institution within the Florida College System by a local board  
 215 of trustees as provided by law; provide that the Florida College  
 216 Board, which shall be comprised of the Commissioner of Education  
 217 and six citizens appointed by the Governor and confirmed by the  
 218 Senate, shall oversee and coordinate the Florida College System  
 219 as provided by law; provide that the terms of the currently  
 220 appointed members of the State Board of Education and the  
 221 statewide Board of Governors and the term of the currently



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222 appointed Commissioner of Education shall expire July 1 of the  
223 year following the adoption of these amendments in the next  
224 general election; provide that the term of a member of a local  
225 board of trustees shall expire at the end of the term for which  
226 the member was originally appointed; provide for the appointment  
227 of a Commissioner of Education by the Governor and Cabinet until  
228 a Commissioner of Education is elected in the next general  
229 election following the adoption of these amendments; and provide  
230 that these amendments shall take effect July 1 of the year  
231 following the next general election.