

House Joint Resolution

A joint resolution proposing amendments to Sections 3 and 4 of Article IV and Section 2 of Article IX and the creation of a new section in Article XII of the State Constitution to provide for the election of the Commissioner of Education, the inclusion of the commissioner as a member of the Cabinet, and the establishment of the Governor and Cabinet as the State Board of Education.

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

That the following amendments to Sections 3 and 4 of Article IV and Section 2 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 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve

27 | for the remainder of the term.

28 | (b) Upon impeachment of the governor and until completion
29 | of trial thereof, or during the governor's physical or mental
30 | incapacity, the lieutenant governor shall act as governor.
31 | Further succession as acting governor shall be prescribed by
32 | law. Incapacity to serve as governor may be determined by the
33 | supreme court upon due notice after docketing of a written
34 | suggestion thereof by four ~~three~~ cabinet members, and in such
35 | case restoration of capacity shall be similarly determined after
36 | docketing of written suggestion thereof by the governor, the
37 | legislature or four ~~three~~ cabinet members. Incapacity to serve
38 | as governor may also be established by certificate filed with
39 | the custodian of state records by the governor declaring
40 | incapacity for physical reasons to serve as governor, and in
41 | such case restoration of capacity shall be similarly
42 | established.

43 | SECTION 4. Cabinet.—

44 | (a) There shall be a cabinet composed of an attorney
45 | general, a chief financial officer, ~~and~~ a commissioner of
46 | agriculture, and a commissioner of education. In addition to the
47 | powers and duties specified herein, they shall exercise such
48 | powers and perform such duties as may be prescribed by law. In
49 | the event of a tie vote of the governor and cabinet, the side on
50 | which the governor voted shall be deemed to prevail.

51 | (b) The attorney general shall be the chief state legal
52 | officer. There is created in the office of the attorney general

53 the position of statewide prosecutor. The statewide prosecutor
54 shall have concurrent jurisdiction with the state attorneys to
55 prosecute violations of criminal laws occurring or having
56 occurred, in two or more judicial circuits as part of a related
57 transaction, or when any such offense is affecting or has
58 affected two or more judicial circuits as provided by general
59 law. The statewide prosecutor shall be appointed by the attorney
60 general from not fewer ~~less~~ than three persons nominated by the
61 judicial nominating commission for the supreme court, or as
62 otherwise provided by general law.

63 (c) The chief financial officer shall serve as the chief
64 fiscal officer of the state, and shall settle and approve
65 accounts against the state, and shall keep all state funds and
66 securities.

67 (d) The commissioner of agriculture shall have supervision
68 of matters pertaining to agriculture except as otherwise
69 provided by law.

70 (e) The commissioner of education shall supervise matters
71 pertaining to the public education system except as otherwise
72 provided by law.

73 (f) ~~(e)~~ The governor as chair, the chief financial officer,
74 and the attorney general shall constitute the state board of
75 administration, which shall succeed to all the power, control,
76 and authority of the state board of administration established
77 pursuant to Article IX, Section 16 of the Constitution of 1885,
78 and which shall continue as a body at least for the life of

79 Article XII, Section 9(c).

80 (g)~~(f)~~ The governor as chair, the chief financial officer,
 81 the attorney general, ~~and~~ the commissioner of agriculture, and
 82 the commissioner of education shall constitute the trustees of
 83 the internal improvement trust fund and the land acquisition
 84 trust fund as provided by law.

85 (h)~~(g)~~ The governor as chair, the chief financial officer,
 86 the attorney general, ~~and~~ the commissioner of agriculture, and
 87 the commissioner of education shall constitute the agency head
 88 of the Department of Law Enforcement.

89 ARTICLE IX

90 EDUCATION

91 SECTION 2. State board of education.—The governor as
 92 chair, the chief financial officer, the attorney general, the
 93 commissioner of agriculture, and the commissioner of education
 94 as secretary and executive officer shall constitute the state
 95 board of education shall be a body corporate and have such
 96 supervision of the system of free public education as is
 97 provided by law. The state board of education shall consist of
 98 seven members appointed by the governor to staggered 4-year
 99 terms, subject to confirmation by the senate. The state board of
 100 education shall appoint the commissioner of education.

101 ARTICLE XII

102 SCHEDULE

103 Commissioner of education.—The amendments to Sections 3 and
 104 4 of Article IV and Section 2 of Article IX providing for the

105 election of a commissioner of education as a member of the
 106 cabinet and establishing the governor and cabinet as the state
 107 board of education shall take effect upon the election of a
 108 commissioner effective January 8, 2019, but shall govern with
 109 respect to the qualifying for and the holding of the election
 110 for the commissioner of education in 2018.

111 BE IT FURTHER RESOLVED that the following statement be
 112 placed on the ballot:

113 CONSTITUTIONAL AMENDMENT

114 ARTICLE IV, SECTIONS 3 AND 4

115 ARTICLE IX, SECTION 2

116 ARTICLE XII

117 COMPOSITION OF CABINET; ELECTION OF COMMISSIONER OF
 118 EDUCATION; STATE BOARD OF EDUCATION.—This amendment provides for
 119 statewide election of Commissioner of Education; includes
 120 commissioner as a member of the Cabinet; establishes Governor
 121 and Cabinet as the State Board of Education; provides for
 122 commissioner to supervise the public education system; includes
 123 commissioner as a member of the Board of Trustees of the
 124 Internal Improvement Trust Fund and the Land Acquisition Trust
 125 Fund and as a component of the head of the Department of Law
 126 Enforcement.