

By Senator Cruz

18-00412-22

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Senate 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 and his or her inclusion as a member of the Cabinet and 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 for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor.

18-00412-22

2022192__

30 Further succession as acting governor shall be prescribed by
31 law. Incapacity to serve as governor may be determined by the
32 supreme court upon due notice after docketing of a written
33 suggestion thereof by four ~~three~~ cabinet members, and in such
34 case restoration of capacity shall be similarly determined after
35 docketing of written suggestion thereof by the governor, the
36 legislature, or four ~~three~~ cabinet members. Incapacity to serve
37 as governor may also be established by certificate filed with
38 the custodian of state records by the governor declaring
39 incapacity for physical reasons to serve as governor, and in
40 such case restoration of capacity shall be similarly
41 established.

42 SECTION 4. Cabinet.—

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

50 (b) The attorney general shall be the chief state legal
51 officer. There is created in the office of the attorney general
52 the position of statewide prosecutor. The statewide prosecutor
53 shall have concurrent jurisdiction with the state attorneys to
54 prosecute violations of criminal laws occurring or having
55 occurred, in two or more judicial circuits as part of a related
56 transaction, or when any such offense is affecting or has
57 affected two or more judicial circuits as provided by general
58 law. The statewide prosecutor shall be appointed by the attorney

18-00412-22

2022192__

59 general from not less than three persons nominated by the
60 judicial nominating commission for the supreme court, or as
61 otherwise provided by general law.

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

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

69 (e) The commissioner of education shall be the chief
70 educational officer of the state and the sole custodian of the
71 K-20 data warehouse and shall be responsible for giving full
72 assistance to the state board of education in enforcing
73 compliance with the mission and goals of the K-20 education
74 system, except for the state university system.

75 (f) The governor as chair, the chief financial officer, and
76 the attorney general shall constitute the state board of
77 administration, which shall succeed to all the power, control,
78 and authority of the state board of administration established
79 pursuant to Article IX, Section 16 of the Constitution of 1885,
80 and which shall continue as a body at least for the life of
81 Article XII, Section 9(c).

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

87 (h) ~~(g)~~ The governor as chair, the chief financial officer,

18-00412-22

2022192__

88 the attorney general, ~~and~~ the commissioner of agriculture, and
89 the commissioner of education shall constitute the agency head
90 of the Department of Law Enforcement. The Office of Domestic
91 Security and Counterterrorism is created within the Department
92 of Law Enforcement. The Office of Domestic Security and
93 Counterterrorism shall provide support for prosecutors and
94 federal, state, and local law enforcement agencies that
95 investigate or analyze information relating to attempts or acts
96 of terrorism or that prosecute terrorism, and shall perform any
97 other duties that are provided by law.

ARTICLE IX

EDUCATION

100 SECTION 2. State board of education.—The state board of
101 education shall be a body corporate and have such supervision of
102 the system of free public education as is provided by law. The
103 state board of education shall consist of the commissioner of
104 education, who shall serve as chair, and seven members appointed
105 by the governor, subject to confirmation by the senate, to
106 staggered 4-year terms. In the event of a tie vote of the state
107 board of education, the side on which the commissioner of
108 education voted shall be deemed to prevail, subject to
109 ~~confirmation by the senate. The state board of education shall~~
110 ~~appoint the commissioner of education.~~

ARTICLE XII

SCHEDULE

113 Reorganization of the cabinet and the state board of
114 education.—

115 (a) The amendments to Sections 3 and 4 of Article IV and
116 Section 2 of Article IX relating to the inclusion of the

18-00412-22

2022192__

117 commissioner of education as a member of the cabinet and the
 118 state board of education shall take effect June 1, 2023. For the
 119 term beginning June 1, 2023, and continuing through January 4,
 120 2027, the commissioner of education shall be appointed by the
 121 governor, subject to confirmation by the senate. The
 122 commissioner of education must be an elector of at least 30
 123 years of age who has resided in this state for the preceding
 124 seven years at the time of the governor's appointment. Beginning
 125 with the 2026 statewide general election and every four years
 126 thereafter, the office of the commissioner of education shall be
 127 filled by election in conformance with Article IV, Section 5(a).

128 (b) By June 1, 2023, the legislature shall enact
 129 implementing legislation that includes any conforming changes to
 130 the Florida Statutes necessitated by the reorganization of the
 131 cabinet and the state board of education.

132 BE IT FURTHER RESOLVED that the following statement be
 133 placed on the ballot:

134 CONSTITUTIONAL AMENDMENT

135 ARTICLE IV, SECTIONS 3 AND 4

136 ARTICLE IX, SECTION 2

137 ARTICLE XII

138 ELECTION OF COMMISSIONER OF EDUCATION; MEMBERSHIP OF
 139 CABINET AND STATE BOARD OF EDUCATION.—Revising membership of the
 140 Cabinet and the State Board of Education, effective June 1,
 141 2023, to include the Commissioner of Education, whom the
 142 Governor shall appoint, subject to Senate confirmation, for a
 143 term ending January 4, 2027; and thereafter providing for
 144 statewide election of the commissioner beginning in 2026.
 145 Currently, the commissioner is appointed by, and serves at the

18-00412-22

2022192__

146 | pleasure of, the State Board of Education and is not a Cabinet
147 | or state board member.