

By Senator Negrón

28-00011-12

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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 the inclusion of the commissioner as a member of the Cabinet.

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. Further succession as acting governor shall be prescribed by

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

41 SECTION 4. Cabinet.—

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

49 (b) The attorney general shall be the chief state legal  
50 officer. There is created in the office of the attorney general  
51 the position of statewide prosecutor. The statewide prosecutor  
52 shall have concurrent jurisdiction with the state attorneys to  
53 prosecute violations of criminal laws occurring or having  
54 occurred, in two or more judicial circuits as part of a related  
55 transaction, or when any such offense is affecting or has  
56 affected two or more judicial circuits as provided by general  
57 law. The statewide prosecutor shall be appointed by the attorney  
58 general from not less than three persons nominated by the

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59 judicial nominating commission for the supreme court, or as  
60 otherwise provided by general law.

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

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

68 (e) The governor as chair, the chief financial officer, and  
69 the attorney general shall constitute the state board of  
70 administration, which shall succeed to all the power, control,  
71 and authority of the state board of administration established  
72 pursuant to Article IX, Section 16 of the Constitution of 1885,  
73 and which shall continue as a body at least for the life of  
74 Article XII, Section 9(c).

75 (f) The governor as chair, the chief financial officer, the  
76 attorney general, ~~and~~ the commissioner of agriculture, and the  
77 commissioner of education shall constitute the trustees of the  
78 internal improvement trust fund and the land acquisition trust  
79 fund as provided by law.

80 (g) The governor as chair, the chief financial officer, the  
81 attorney general, ~~and~~ the commissioner of agriculture, and the  
82 commissioner of education shall constitute the agency head of  
83 the Department of Law Enforcement.

84 (h) The commissioner of education shall supervise the  
85 public education system in the manner prescribed by law.

## ARTICLE IX

## EDUCATION

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88           SECTION 2. State board of education.—The governor and the  
89 members of the cabinet shall constitute a state board of  
90 education, which shall be a body corporate and have such  
91 supervision of the system of free public education as is  
92 provided by law. ~~The state board of education shall consist of~~  
93 ~~seven members appointed by the governor to staggered 4-year~~  
94 ~~terms, subject to confirmation by the senate. The state board of~~  
95 ~~education shall appoint the commissioner of education.~~

## ARTICLE XII

## SCHEDULE

96           Commissioner of education.—The amendments Sections 3 and 4  
97 of Article IV and Section 2 of Article IX providing for the  
98 election of a commissioner of education as a member of the  
99 cabinet shall take effect January 6, 2015, but shall govern with  
100 respect to the qualifying for and the holding of the primary  
101 election for the commissioner of education in 2014.

102           BE IT FURTHER RESOLVED that the following statement be  
103 placed on the ballot:

## CONSTITUTIONAL AMENDMENT

## ARTICLE IV, SECTIONS 3 and 4

## ARTICLE IX, SECTION 2

## ARTICLE XII

110           COMMISSIONER OF EDUCATION.—This proposed amendment to the  
111 State Constitution provides for the statewide election of the  
112 Commissioner of Education and the inclusion of the Commissioner  
113 of Education as a member of the Cabinet of this state.

114           Currently, the Commissioner of Education is appointed by  
115 the Board of Education, whose members are appointed by the  
116 Governor and confirmed by the Senate. The amendment provides for

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117 the Commissioner of Education to supervise the state education  
118 system in the manner provided by law. The amendment further  
119 provides that the Governor and Cabinet will constitute the State  
120 Board of Education.

121 Lastly, the existing members of the Cabinet are on the  
122 Board of Trustees of the Internal Improvement Trust Fund and the  
123 Land Acquisition Trust Fund and are components of the head of  
124 the Department of Law Enforcement. This amendment includes the  
125 Commissioner of Education as a member of the Board of Trustees  
126 of the Internal Improvement Trust Fund and the Land Acquisition  
127 Trust Fund and as a component of the head of the Department of  
128 Law Enforcement.