

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 942

INTRODUCER: Senator Garcia and others

SUBJECT: Composition of Cabinet/Election of Commissioner of Education/State Board of Education

DATE: January 28, 2016

REVISED: 02/02/16

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carlton</u>	<u>Roberts</u>	<u>EE</u>	<u>Favorable</u>
2.	<u></u>	<u></u>	<u>ED</u>	<u></u>
3.	<u></u>	<u></u>	<u>RC</u>	<u></u>

I. Summary:

SJR 942 makes the Commissioner of Education an elected member of the Florida Cabinet who is responsible for supervising matters pertaining to the public education system. Under the joint resolution, the State Board of Education will consist of the Governor, the Chief Financial Officer, the Attorney General, the Commissioner of Agriculture, and the Commissioner of Education. The first election of the Commissioner of Education will occur on November 6, 2018.

If passed by a 3/5ths vote of each House of the Legislature, the proposal will be voted on at the general election in November 2016; 60% of those voting on the measure is required for approval.

II. Present Situation:

Prior to 1998, the Commissioner of Education was an elected Cabinet position. In November 1998, Florida voters approved changes in the State Constitution to mandate a new public education governance system led by an appointed, rather than elected, State Board of Education and Commissioner of Education.¹ That change was a recommendation proposed by the Constitution Revision Commission that restructured the Cabinet from 6 to 3 officers (plus the governor), as well as other governmental operations changes.² Since 2003, the position has been an appointed, non-Cabinet position.

¹ Article IX, s. 2, of the State Constitution provides: *The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4 year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.*

² Constitution Revision Commission Amendment 8 (1998), *Restructuring the State Cabinet* (available at Florida Secretary of State's website at: <http://dos.elections.myflorida.com/initiatives/fulltext/pdf/11-4.pdf> (last accessed 28 Jan. 2016)).

III. Effect of Proposed Changes:

SJR 942 restores the election of the Commissioner of Education as of the 2018 general election and thereafter makes the Commissioner a member of the Florida Cabinet.³ The joint resolution also revises the members of the State Board of Education to include: the governor as chair, the chief financial officer, the attorney general, the commissioner of agriculture, and the commissioner of education as secretary and executive officer.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending upon the length of the amendment; however, the Division of Elections estimates the cost of this amendment at a minimum of approximately \$115,710.47.⁴

VI. Technical Deficiencies:

None.

³ As such, the Commissioner of Education would be subject to the eight year term limits applicable to members of the Cabinet pursuant to Art. VI., s. 4, Fla. Const.

⁴ Department of State, *Senate Joint Resolution 942 Fiscal Analysis* (December 14, 2015) (on file with the Senate Committee on Ethics and Elections).

VII. Related Issues:

SJR 1424 by Senator Bean adds back the Secretary of State to the Florida Cabinet. If both joint resolutions were to pass and be approved by the electors, the Cabinet would expand from 3 to 5 statewide officers (plus the governor), one member shy of the total number prior to the CRC Cabinet changes that took effect in 2003.

VIII. Statutes Affected:

This joint resolution substantially amends Article IV and Article IX of the Florida Constitution and creates an implementation schedule in Article XII.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.