

By Senator Garcia

38-00679A-16

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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, 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 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.

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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

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59 general from not fewer ~~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 supervise matters
70 pertaining to the public education system except as otherwise
71 provided by law.

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

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

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

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88 ARTICLE IX

89 EDUCATION

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

100 ARTICLE XII

101 SCHEDULE

102 Commissioner of education.—The amendments to Sections 3 and
 103 4 of Article IV and Section 2 of Article IX providing for the
 104 election of a commissioner of education as a member of the
 105 cabinet and establishing the governor and cabinet as the state
 106 board of education shall take effect upon the election of a
 107 commissioner effective January 8, 2019, but shall govern with
 108 respect to the qualifying for and the holding of the election
 109 for the commissioner of education in 2018.

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

112 CONSTITUTIONAL AMENDMENT

113 ARTICLE IV, SECTIONS 3 AND 4

114 ARTICLE IX, SECTION 2

115 ARTICLE XII

116 COMPOSITION OF CABINET; ELECTION OF COMMISSIONER OF

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