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House Joint Resolution

A joint resolution proposing amendments to Section 4 of Article IV and Sections 2 and 7 of Article IX, the creation of Section 8 of Article IX, and the creation of a new section in Article XII of the State Constitution to create the position of Commissioner of Education as an elected member of the Cabinet, to revise the membership of the State Board of Education, which shall consist of the Governor and the Cabinet, to revise the membership, terms, and duties of the local boards of trustees and the Board of Governors of the State University System, to establish the Florida College System, to provide for a local board of trustees to govern each institution in the Florida College System, to provide for the Florida College Board, and to provide an effective date.

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

That the following amendments to Section 4 of Article IV and Sections 2 and 7 of Article IX, the creation of Section 8 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:

ARTICLE IV

EXECUTIVE

SECTION 4. Cabinet.--

28 (a) There shall be a cabinet composed of an attorney
 29 general, a chief financial officer, ~~and~~ a commissioner of
 30 agriculture, and a commissioner of education. In addition to the
 31 powers and duties specified herein, they shall exercise such
 32 powers and perform such duties as may be prescribed by law. In
 33 the event of a tie vote of the governor and cabinet, the side on
 34 which the governor voted shall be deemed to prevail.

35 (b) The attorney general shall be the chief state legal
 36 officer. There is created in the office of the attorney general
 37 the position of statewide prosecutor. The statewide prosecutor
 38 shall have concurrent jurisdiction with the state attorneys to
 39 prosecute violations of criminal laws occurring or having
 40 occurred, in two or more judicial circuits as part of a related
 41 transaction, or when any such offense is affecting or has
 42 affected two or more judicial circuits as provided by general
 43 law. The statewide prosecutor shall be appointed by the attorney
 44 general from not less than three persons nominated by the
 45 judicial nominating commission for the supreme court, or as
 46 otherwise provided by general law.

47 (c) The chief financial officer shall serve as the chief
 48 fiscal officer of the state, and shall settle and approve
 49 accounts against the state, and shall keep all state funds and
 50 securities.

51 (d) The commissioner of agriculture shall have supervision
 52 of matters pertaining to agriculture except as otherwise
 53 provided by law.

54 (e) The commissioner of education shall supervise the
 55 public education system in a manner prescribed by law, except as
 56 otherwise provided in this constitution.

57 ~~(f)(e)~~ The governor as chair, the chief financial officer,
 58 and the attorney general shall constitute the state board of
 59 administration, which shall succeed to all the power, control,
 60 and authority of the state board of administration established
 61 pursuant to Article IX, Section 16 of the Constitution of 1885,
 62 and which shall continue as a body at least for the life of
 63 Article XII, Section 9(c).

64 ~~(g)(f)~~ The governor as chair, the chief financial officer,
 65 the attorney general, ~~and~~ the commissioner of agriculture, and
 66 the commissioner of education shall constitute the trustees of
 67 the internal improvement trust fund and the land acquisition
 68 trust fund as provided by law.

69 ~~(h)(g)~~ The governor as chair, the chief financial officer,
 70 the attorney general, ~~and~~ the commissioner of agriculture, and
 71 the commissioner of education shall constitute the agency head
 72 of the Department of Law Enforcement.

73 ARTICLE IX

74 EDUCATION

75 SECTION 2. State board of education.--The governor and the
 76 members of the cabinet shall constitute the state board of
 77 education, which shall be a body corporate and have such
 78 supervision of the public education system as is provided by
 79 law. ~~The state board of education shall be a body corporate and~~
 80 ~~have such supervision of the system of free public education as~~
 81 ~~is provided by law. The state board of education shall consist~~

82 ~~of seven members appointed by the governor to staggered 4 year~~
 83 ~~terms, subject to confirmation by the senate. The state board of~~
 84 ~~education shall appoint the commissioner of education.~~

85 SECTION 7. State university system.--

86 (a) PURPOSES. In order to achieve excellence through
 87 teaching students, advancing research and providing public
 88 service for the benefit of Florida's citizens, their communities
 89 and economies, the people hereby establish a system of
 90 governance for the state university system of Florida.

91 (b) STATE UNIVERSITY SYSTEM. There shall be a single
 92 state university system comprised of all public universities. A
 93 ~~board of trustees shall administer each public university and a~~
 94 ~~board of governors shall govern the state university system.~~

95 (c) LOCAL BOARDS OF TRUSTEES. Each public local
 96 ~~constituent~~ university shall be administered by a board of
 97 trustees as provided by law ~~consisting of thirteen members~~
 98 ~~dedicated to the purposes of the state university system. The~~
 99 ~~board of governors shall establish the powers and duties of the~~
 100 ~~boards of trustees.~~ Each board of trustees shall consist of
 101 eleven ~~six~~ citizen members appointed by the governor ~~and five~~
 102 ~~citizen members appointed by the board of governors.~~ The
 103 appointed members shall be confirmed by the senate and serve
 104 staggered terms of five years as provided by law. The chair of
 105 the faculty senate, or the equivalent, and the president of the
 106 student body of the university shall also be members.

107 (d) STATEWIDE BOARD OF GOVERNORS. The board of governors
 108 shall administer the state ~~be a body corporate consisting of~~
 109 ~~seventeen members. The board shall operate, regulate, control,~~

110 ~~and be fully responsible for the management of the whole~~
 111 ~~university system as provided by law. These responsibilities~~
 112 ~~shall include, but not be limited to, defining the distinctive~~
 113 ~~mission of each constituent university and its articulation with~~
 114 ~~free public schools and community colleges, ensuring the well-~~
 115 ~~planned coordination and operation of the system, and avoiding~~
 116 ~~wasteful duplication of facilities or programs. The board's~~
 117 ~~management shall be subject to the powers of the legislature to~~
 118 ~~appropriate for the expenditure of funds, and the board shall~~
 119 ~~account for such expenditures as provided by law. The governor~~
 120 shall appoint to the board six ~~fourteen~~ citizens dedicated to
 121 the purposes of the state university system. The appointed
 122 members shall be confirmed by the senate and serve staggered
 123 terms of four ~~seven~~ years as provided by law. The commissioner
 124 of education, the chair of the advisory council of faculty
 125 senates, or the equivalent, and the president of the Florida
 126 student association, or the equivalent, shall also be members of
 127 the board.

128 SECTION 8. Florida college system.--

129 (a) PURPOSES. In order to maximize open access for
 130 students, respond to community needs for postsecondary academic
 131 education and career degree education, and provide associate and
 132 baccalaureate degrees that will best meet the state's employment
 133 needs, the people hereby establish a system of governance for
 134 the Florida college system.

135 (b) FLORIDA COLLEGE SYSTEM. There shall be a single
 136 Florida college system comprised of two-year and four-year
 137 public postsecondary educational institutions that grant

138 academic degrees at the undergraduate level as provided by law.
 139 An institution within the Florida college system may not offer
 140 graduate degree programs.

141 (c) LOCAL BOARDS OF TRUSTEES. Each institution within the
 142 Florida college system shall be governed by a local board of
 143 trustees as provided by law. The membership of each local board
 144 of trustees shall be as provided by law.

145 (d) FLORIDA COLLEGE BOARD. The Florida college board
 146 shall oversee and coordinate the Florida college system as
 147 provided by law. The governor shall appoint to the board six
 148 citizens dedicated to the purposes of the Florida college
 149 system. The appointed members shall be confirmed by the senate
 150 and serve staggered terms of four years as provided by law. The
 151 commissioner of education shall also be a member of the board.

152 ARTICLE XII

153 SCHEDULE

154 Cabinet, state board of education, elected commissioner of
 155 education, state university system, and Florida college
 156 system.--

157 (a) The amendments to Section 4 of Article IV and Sections
 158 2 and 7 of Article IX and the creation of Section 8 of Article
 159 IX, which create a cabinet position for an elected commissioner
 160 of education to supervise the public education system as
 161 provided by law, revise the membership of the state board of
 162 education to consist of the governor and the cabinet, revise the
 163 manner of appointment for members of the local boards of
 164 trustees for the state university system, revise the membership,
 165 terms, and duties of the statewide board of governors, and

166 establish the Florida college system, and this section, if
 167 submitted to the electors of this state for approval or
 168 rejection at the next general election and if approved, shall
 169 take effect July 1 of the year following such general election.

170 (b) On the effective date of these amendments, the terms
 171 of the members serving on the state board of education, the
 172 statewide board of governors, and the local boards of trustees
 173 and the term of the commissioner of education shall expire.

174 (c) On the effective date of these amendments, the
 175 governor and cabinet shall appoint a commissioner of education
 176 to serve until a commissioner of education is elected in the
 177 next general election following the adoption of these
 178 amendments.

179 BE IT FURTHER RESOLVED that the following statement be
 180 placed on the ballot:

181 CONSTITUTIONAL AMENDMENTS

182 ARTICLE IV, SECTION 4

183 ARTICLE IX, SECTIONS 2, 7, AND 8

184 ARTICLE XII

185 RESTRUCTURING THE STATE CABINET; ELECTED COMMISSIONER OF
 186 EDUCATION; RESTRUCTURING THE LOCAL BOARDS OF TRUSTEES AND THE
 187 STATEWIDE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM;
 188 ESTABLISHING THE FLORIDA COLLEGE SYSTEM.--Proposing amendments
 189 to the State Constitution which will create an elected
 190 Commissioner of Education who will be a member of the Cabinet
 191 and will be responsible for the supervision of public education
 192 as provided by law; include the Commissioner of Education with
 193 other Cabinet members as a trustee of the Internal Improvement

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194 Trust Fund and the Land Acquisition Trust Fund and as agency
 195 head of the Department of Law Enforcement; eliminate an
 196 appointed State Board of Education and replace the board with
 197 the Governor and the Cabinet; provide that the State Board of
 198 Education will be responsible for the supervision of public
 199 education as provided by law; revise the membership of the local
 200 boards of trustees by eliminating the authority of the statewide
 201 Board of Governors to appoint members; limit the authority and
 202 duties of the local boards of trustees as provided by law;
 203 revise the membership of the statewide Board of Governors by
 204 reducing the number of appointed members and their terms; limit
 205 the authority of the statewide Board of Governors to administer
 206 the State University System as provided by law; establish the
 207 Florida College System comprised of 2-year and 4-year public
 208 postsecondary educational institutions that grant academic
 209 degrees at the undergraduate level as provided by law; provide
 210 for the governance of each institution within the Florida
 211 College System by a local board of trustees as provided by law;
 212 provide that the Florida College Board, which shall be comprised
 213 of the Commissioner of Education and six citizens appointed by
 214 the Governor and confirmed by the Senate, shall oversee and
 215 coordinate the Florida College System as provided by law;
 216 provide that the terms of the currently appointed members of the
 217 State Board of Education, local boards of trustees, and the
 218 statewide Board of Governors and the term of the currently
 219 appointed Commissioner of Education shall expire July 1 of the
 220 year following the adoption of these amendments in the next
 221 general election; provide for the appointment of a Commissioner

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222 | of Education by the Governor and Cabinet until a Commissioner of
223 | Education is elected in the next general election following the
224 | adoption of these amendments; and provide that these amendments
225 | shall take effect July 1 of the year following the next general
226 | election.