

# CONSTITUTIONAL AMENDMENT FULL TEXT

**Ballot Title:** Cabinet Reorganization Amendment; Commissioner of Education.

**Ballot Summary:** Revises the membership of the Cabinet to include the Commissioner of Education, whom the Governor shall appoint, subject to Senate confirmation, for a term ending January 5, 2027; and thereafter provides for the statewide election of the commissioner, beginning in 2026. Currently, the Commissioner is appointed by and serves at the pleasure of the Governor and is not a member of the Cabinet.

**Article and Section Being Created or Amended:** Article IV, Sections 3 and 4, and Article XII, Section 42.

**Full Text of the Proposed Amendment:**

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

### SECTION 4. Cabinet.-

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

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has

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affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

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

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

(e) The commissioner of education shall supervise matters pertaining to the public education system except as otherwise provided by law.

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

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

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

### ARTICLE XII

#### SCHEDULE

#### **SECTION 42. Cabinet reorganization. -**

(a) The amendments to Sections 3 and 4 of Article IV relating to the inclusion of the commissioner of education as a member of the cabinet shall take effect upon election of a commissioner effective January 5, 2027, but shall govern with respect to the qualifying for and the holding of the election for the commissioner of education in 2026. Beginning with the 2026 statewide general election and every four years thereafter, the office of commissioner of education shall be filled by election in conformance with Section 5(a), Article IV.

(b) By June 1, 2025, the legislature shall enact implementing legislation that includes any conforming changes to the Florida Statutes necessitated by the reorganization of the cabinet.

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