

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

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

Proposal #: P 45

Relating to:

Introducer(s): Commissioner Donalds

Article/Section affected: Article IX, section 1

Date:

	REFERENCE	ACTION
1.	ED	<b>Pre-meeting</b>
2.	_____	_____

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**I. SUMMARY:**

This proposal amends Section 1, Article IX of the Florida Constitution to allow the Legislature to make provision for other educational services that benefit children and families of this state that are in addition to the system of free public schools.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Currently the Florida Constitution provides that the legislature shall make adequate provision by law for a uniform, efficient, safe, secure and high quality system of free public schools.<sup>1</sup> These terms act as direction to the legislature when making laws for the educational system. Over the past years courts have ruled on several significant cases to limit the Legislature's authority to enact education laws.

In the case of *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006), the Supreme Court determined that a statutory provision providing school vouchers to private school for students from failing public schools was unconstitutional under Article IX, Section 1 of the Florida Constitution. By using state funds to develop separate private systems parallel to and in competition with the state's free public schools, when the schools did not use the same curriculum, assessments, or teacher qualifications as public schools, and thus, violated the uniformity requirement.

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<sup>1</sup> Section 1, Article IX Florida Constitution

In the case of *Duval County School Board v. State Board of Education*, 998 So. 2d 641 (Fla. 1st DCA 2008), the First DCA ruled that a provision granting authority to the Department of Education to establish charter schools was facially unconstitutional in that it impinged upon authority constitutionally granted to the districts to operate, control and supervise all free public schools within a district. The law was found to create a system of a parallel system of free public education escaping the operation and control of local school boards.

**B. EFFECT OF PROPOSED CHANGES:**

The proposal provides for potential future legislation to allow for additional educational services in addition to the current system of free public schools. The effect of any potential future legislation is indeterminate.

**C. FISCAL IMPACT:**

None.

**III. Additional Information:**

**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.