

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1270
 SPONSOR: Senator Miller
 SUBJECT: Pinellas Co. School Board
 DATE: March 16, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	O'Farrell	ED	Favorable
2.	_____	_____	RC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes the Supervisor of Elections in Pinellas county to place on the ballot the question of whether the seven-member Pinellas County School Board will consists of four members elected from single-member districts and three members elected from the county at-large. School board members would continue to be elected on a nonpartisan basis.

The act will take effect upon its approval by referendum in the general election on November 5, 2002.

This bill creates unnumbered sections of law.

II. Present Situation:

Article IX, section 4, of the Florida Constitution designates each county as a school district and requires each school district to have a school board composed of five or more members chosen by the voters in a nonpartisan election to serve staggered, four-year terms.

Section 230.061, F.S., requires each school district to be divided into at least five school board member residence areas as equal in population as is practicable. For school boards that have seven members, the district may be divided into seven school board member residence areas, or it may be divided into five school board member residence areas with two members elected at large.

Section 230.10, F.S, requires the school board to be elected by district-wide vote of the electors. However, s. 230.105, F.S., provides an alternate method for election of school board members to provide for single-member district representation. Under s. 230.105, F.S., if a school board is

composed of five members, each of the five must reside in a single member district. If a school board is composed of seven members, five of the members must reside in single member districts and two must be elected from the county at-large. A proposition may be placed on the ballot at any primary, general, or otherwise-called special election through one of the following two procedures:

1. The district school board may adopt a formal resolution directing an election to be held to place the proposition on the ballot, or
2. The electors of the school district may petition to have the proposition placed on the ballot by presenting to the school board petitions signed by not less than 10 percent of the electors residing in the school district.

The Pinellas County School District Board currently consists of seven members elected countywide in non-partisan elections. Five members must live in the district they represent (Districts 1-5) and two members represent the county at-large (Districts 6 & 7). All school board members are elected to serve 4-year terms.

III. Effect of Proposed Changes:

This bill provides an exemption from current law by proposing a method for electing the Pinellas County School Board that differs from the methods currently authorized under chapter 230, F.S. The bill authorizes the supervisor of elections for Pinellas County to place a question on the ballot at the general election to be held on November 5, 2000, as to whether the seven-member district school board shall consist of four members to be elected from single-member districts and three members elected from the county at-large. Within each single-member district, electors residing in that single-member district only would elect a member to represent that district. The three at-large members would be elected county wide.

If approved at referendum, the transition schedule for election of the members is:

DISTRICT NUMBER	CURRENT EXPIRATION OF TERM	PROPOSED SINGLE MEMBER OR AT-LARGE
1	2004	Single-Member
2	2006	Single-Member
3	2004	Single-Member
4	2006	Single-Member
5	2006	At-Large
6	2006	At-Large
7	2004	At-Large

If the electors approve the referendum, the first election to implement the transition to single-member representation will be held in conjunction with the first primary election in the year 2004. Any runoff election would be held during the general election of that year. The full implementation will occur with the 2006 election.

In the year 2004, school board members from Districts 1, 3, and 7 will be elected. Districts 1 and 3 will be single-member districts. District 7 will be an at-large district.

In the year 2006, school board members from Districts 2, 4, 5, and 6 will be elected. Districts 2 and 4 will be single-member districts. Districts 5 and 6 will be at-large districts.

All elections for district school board members are nonpartisan and held at the same time as the first primary and general elections as provided by law. All school board members are elected to appropriately staggered terms of 4 years. Each person elected to the school board takes office 2 weeks after the general election at which he or she was elected. In consultation with the supervisor of elections, the school board will reapportion single member districts as soon after each decennial census as practicable.

The bill requires candidates for election to the district school board to meet the same qualifications for nonpartisan office as provided in chapter 105, Florida Statutes. The qualifying fee for candidates for school board member will be calculated using the percentages set forth in section 105.031(3), Florida Statutes. Candidates may qualify without paying the qualifying fee using the procedures set forth in section 105.035, Florida Statutes, for the nonpartisan office of county court judge.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Section 10 of Article III of the Florida Constitution requires all local bills to either embody provision for a ratifying referendum or be accompanied by an affidavit of proper advertisement. This bill requires a referendum on November 5, 2002. Notice of this proposal was published in the *Tampa Bay Review* on February 2, 2001.

Section 11 of Article III of the Florida Constitution lists a number of subjects that may not be addressed in any special law or general law of local application. This list includes a prohibition on local bills pertaining to the election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies.

However, Pinellas County is a charter county. In *School Board of Palm Beach County v. Winchester*, 565 So.2d 1350 (Fla. 1990), the Supreme Court held that Article III, section 11(a)1, Florida Constitution, did not apply to charter counties. The Court upheld a special act providing for the nonpartisan election of Palm Beach County School Board members.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The county supervisor of elections would incur a minimal cost for changing ballot styles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
