

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 589 Lee Co./School Board Members
SPONSOR(S): Kyle
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Local Government & Veterans' Affairs, Grayson, Highsmith-Smith.

SUMMARY ANALYSIS

This bill provides for a referendum in Lee County in conjunction with the 2004 general election to decide if the school board should consist of five members each elected from the direct vote of electors from five single-member districts.

The bill provides that such districts will be drawn by the district school board, which shall also provide for transition to the election to take place in 2006 or earlier under certain circumstances.

The bill provides for terms of office and staggering at the initial election.

The bill provides referendum language and directs the supervisor of elections to place the referendum before the voters.

The bill provides for an effective date of upon referendum approval, except for s. 3, which becomes effective upon becoming law. Section 3 does not contain the substantive referendum authority or language. Therefore, the necessary substantive provisions never take effect. The Sponsor intends to offer a curative amendment.

According to the Economic Impact Statement, the bill is not expected to have an impact on the local or state budgets.

This bill contains exemptions from general law and therefore may not appear on any special order calendar in any section reserved for expedited consideration of local bills pursuant to House Rule 5.5(b).

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0589.lgv.doc
DATE: March 3, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill requires that notwithstanding ss. 1001.36, 1001.361 or 1001.362, F.S., a referendum to be put before the voters of Lee County in conjunction with the 2004 general election to determine if the School Board should consist of five members elected individually by voters from within each of five single-member districts.

The bill provides that if approved:

- the five single-member districts must be drawn by the district school board;
- the district school board will provide for the orderly transition to the 2006 general election; and
- all five school board seats will be up for election in the general election of 2006, and staggered thereafter.

The bill provides that if there is a county-wide election prior to the 2004 primaries and general election, then the vote for this act will occur on the earlier date.

The bill provides that if there is a county-wide election prior to the qualifying period for the 2004 general election, then all school board seats will be up for election in the year 2004 and staggered thereafter.

The bill provides referendum language and directs the Lee County Supervisor of Elections to place it on the ballot.

The bill provides an effective date of upon referendum approval, except for s. 3 which takes effect upon becoming law. However, the authority for the Supervisor of Elections to place the question on the ballot lacks legal effectiveness and must be resolved through the amendatory process.

Current Law

Section 1001.36, F.S. Provides for the creation of single member residence areas for district school boards, including subsequent boundary changes.

Section 1001.361, F.S. Provides for election of district school board members by district-wide vote.

Section 1001.362, F.S. Provides an alternative procedure for the election of district school board members to provide for single-member representation.

Pursuant to House Rule 5.5(a), any local bill which may be enacted into law by ordinance of a local governing body may not be reported by the committee, unless the governing body would be required to

call a referendum to enact the substance of the local bill into law. This bill provides an exemption from general law and requires a referendum. Thus, this bill is not subject to House Rule 5.5(a).

This bill contains exemptions from general law.

Section 1 of the bill states an exemption from ss. 1001.63 (District school board member residence areas), 1001.631 Election of board by district-wide vote, and 1001.632 (Alternative procedure for the election of district school board members to provide for single-member representation), F.S.

Therefore, according to House Rule 5.5(b), this bill may not be placed on the Special Order Calendar in any section reserved for expedited consideration of local bills.

C. SECTION DIRECTORY:

Section 1. Provides for a referendum to decide if the Lee County School Board should consist of five members elected from single-member districts.

Section 2. Provides referendum language and directs the Lee County Supervisor of Elections to place it on the ballot.

Section 3. Provides an effective date of upon voter approval with the exception of this section which has an effective date of upon becoming law. This section is known as "The School District Local Option Single-Member Representation Law of 1984." The section provides for a proposition calling for single-member representation: a) adopted by formal resolution of the district school board; or the electors of the school district may petition to have the proposition placed on the ballot. The section contains specific requirements relating to the latter petition.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

February 1 and 2, 2003.

WHERE?

News-Press, a daily newspaper of general circulation in Lee County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

In conjunction with the 2004 general election, or earlier under certain circumstances.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Not applicable.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The act takes effect only upon referendum approval, except for s. 3 which takes effect upon becoming law. Section 3 contains only the effectiveness provisions, not the requirements to place the referendum on the ballot. Therefore, the bill does not appear to achieve its goal since the provisions requiring the referendum can never take effect.

Other Comments

None.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Sponsor intends to offer a strike all amendment that will resolve the technical drafting issues.