

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1473 District School Boards  
**SPONSOR(S):** Representative Gardiner  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2550

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Ethics & Elections	8 Y, 3 N	Christian	Randle
2) Procedures		Christian	Randle
3) Education K-20			
4) Finance & Tax			
5) Education Appropriations			
6) Appropriations			

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### SUMMARY ANALYSIS

HB 1473 provides a procedure for electing a district school board chair by countywide vote in a school district with single-member representation and an appointed district school superintendent. HB 1473 also sets forth the requirements for petitioning by school district electors to have the proposition placed on the ballot. Finally, the bill provides the powers and duties, term of office, and salary of a school board chair elected by countywide vote.

The bill is effective July 1, 2004, if enacted by the Legislature.

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

**STORAGE NAME:** h1473.pr.doc  
**DATE:** March 23, 2004

## 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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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:

##### **Current Situation –**

School board members are chosen by electors in non-partisan elections. Section 4, Article IX, Florida Constitution, provides in part:

...In each school district there shall be a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law.

School boards are currently required to elect a chair and may elect a vice chair. Section 1001.371, Florida Statutes, provides:

On the third Tuesday after the first Monday in November of each year, the district school board shall organize by electing a chair. It may elect a vice chair, and the district school superintendent shall act ex officio as the secretary. If a vacancy should occur in the position of chair, the district school board shall proceed to elect a chair at the next ensuing regular or special meeting. . .

Superintendents of schools are constitutional officers and may be elected or appointed. Section 5, Article IX, Florida Constitution, provides, in part:

In each school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent in any school district shall be employed by the district school board as provided by general law.

(emphasis added.)

There are currently 44 elected superintendents and 23 appointed superintendents of schools in the State of Florida. HB 1473 would not apply in the counties with elected superintendents.

## **Proposed Changes –**

HB 1473 would provide an alternative procedure for election of the chair of a district school board in districts with single-member representation where the school superintendent is appointed. The district school board may adopt on its own a resolution to place the issue on the ballot, or the electors of the district may petition to have the issue placed on the ballot upon submission of a petition containing the signatures of at least 10% of the electors of the district.

The proposition of electing a chair of the school board must be presented to the electors in a countywide vote at the next primary, general or otherwise called special election. A special election, however, cannot be called for the sole purpose of voting on the elected chair proposition. If a chair is elected, that person serves as the chief executive officer of the school district and has numerous powers among which include:

1. Serving as chief executive officer of the school district;
2. hiring and firing a school superintendent, subject to school board approval;
3. preparing the school district's annual budget for approval by the school board; and
4. chairing all school board meetings.

The vice chair would continue to be elected by the remaining members of the school board.

The salary of an elected school board chair would not be less than the lowest salary and not more than the highest salary being paid to county officers as defined in Section 1(d), Article VIII, Florida Constitution. Section 1(d), Article VIII, Florida Constitution, specifies the following elected county officers:

- sheriff;
- tax collector;
- property appraiser;
- supervisor of elections;
- clerk of the circuit court.

### **C. SECTION DIRECTORY:**

Section 1. Creates section 1001.3715, Florida Statutes, to provide an alternative procedure for election of the chair of a district school board in a district where the school superintendent is appointed. The district school board may adopt a resolution on its own to place the issue on the ballot, or the electors of the district may petition to have the issue placed on the ballot if at least 10% of the electors petition to do so.

Section 2. Creates section 1001.3717, Florida Statutes, to provide the powers and duties of an elected school board chair. The newly created section would also set a minimum salary for an elected chair.

Section 3. Provides that the act shall take effect on July 1, 2004.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS: HB 1473 requires the school board to set the salary of the school board chair, which *shall not be less than the lowest salary and not more than the highest salary paid to county officers identified in s. 1(d), Art. VIII, of the Florida Constitution.*

(emphasis added.)

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**