

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/CS/SB 134

INTRODUCER: Governmental Oversight and Accountability Committee, Education Committee and Senator Ring

SUBJECT: Meetings of District School Boards

DATE: March 21, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	Fav/CS
2.	Naf	McVaney	GO	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 134 amends requirements for meetings of district school boards.

Current law provides certain requirements for district school board meetings but does not require that they be held at a specific time of day.

This bill requires each district school board to convene at least one regular meeting each quarter within a school year during the evening hours. It further requires each district school board to create written criteria for deciding when to convene such meetings.

The bill specifies circumstances in which a district school board is deemed to be in compliance with the new requirements.

This bill amends section 1001.372 of the Florida Statutes.

II. Present Situation:

General Public Meetings Requirements

Florida Constitution

The Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or of any collegial body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.¹

Sunshine Law

The Sunshine Law requires all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken, to be open to the public at all times.² For each such public meeting, a board or commission must:

- Provide reasonable notice of the meeting;³ and
- Promptly record minutes of the meeting.⁴

District School Boards

Generally

The Florida Constitution requires that each county form a school district, and that each school district be governed by a school board composed of five or more members.⁵ Each school board is responsible for the operation, control, and supervision of all free public schools within the school district.⁶

Meeting Requirements

In addition to general access and notice requirements, meetings of district school boards are subject to more specific provisions, including frequency requirements. Each district school board must:

- Hold at least one regular meeting each month for the transaction of business according to a schedule arranged by the district school board.
- Convene in special sessions when called by the district school superintendent or by the district school superintendent on request of the chair of the district school board, or on request of a majority of the members of the school board. If the district school superintendent fails to call a special meeting when requested to do so, such a meeting may be called by the chair of the district school board or by a majority of the members of the district school board by giving 2 days' written notice of the time and purpose of the meeting to all members and to the district school superintendent.

Times of day for district school board meetings, however, are not currently specified in law.

¹ FLA. CONST., art. I, s. 24(b).

² Section 286.011(1), F.S.

³ *Id.*

⁴ Section 286.011(2), F.S.

⁵ FLA. CONST., art. IX, s. 4(a).

⁶ FLA. CONST., art. IX, s. 4(b).

III. Effect of Proposed Changes:

The bill requires each district school board to convene at least one regular meeting each quarter within a school year during the evening hours. The bill does not define “each quarter within a school year” or “evening hours;” rather, it requires each district school board to create written criteria for deciding when to convene a quarterly meeting during the evening hours.

The bill specifies that a district school board is deemed to be in compliance with the new requirements if it maintains, and operates in accordance with, a policy that requires the portion of a regular meeting that is open to public comment to begin no earlier than 4:30 p.m.

The bill also reorganizes and makes clarifying, non-substantive drafting changes to the provisions governing the convening of special sessions.

The bill’s effective date is July 1, 2013.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. This bill does not appear to affect county or municipal governments.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

District school boards that do not already hold at least one evening meeting a quarter may incur indeterminate costs as a result of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Governmental Oversight and Accountability on March 21, 2013:

The CS/CS differs from the CS in that it specifies circumstances in which a district school board is deemed to be in compliance with the new requirements.

CS by Education on February 19, 2013:

The CS differs from the original bill in that it:

- Provides that the district school board must “convene” the meeting instead of “conduct” it to clarify the time period during which the meeting must begin.
- Does not allow such meeting to be convened either “after school hours” or “during the evening hours;” instead, the meeting may only be convened “during the evening hours.”

- B. **Amendments:**

None.