

**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.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SJR 274

INTRODUCER: Senator Baxley

SUBJECT: Limitation on Terms of Office for Members of a District School Board

DATE: April 9, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	<b>Favorable</b>
2.	<u>Olenick</u>	<u>Sikes</u>	<u>ED</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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## I. Summary:

SJR 274 proposes that district school board members be subject to an 8-year consecutive service term limitation. The language mirrors the current “eight is enough” term limit that applies to Cabinet members and legislators. The provision would operate prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be “termed-out” would be in November 2028.

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose.

## II. Present Situation:

### Term Limits

The Florida Constitution provides that a person holding any of the following offices may not have his or her name on the ballot for reelection if the person has served, or but for resignation would have served, in an office for eight consecutive years:

- State Senator;
- State Representative;
- Lieutenant Governor;
- Florida Cabinet member;
- U.S. Representative from Florida; or
- U.S. Senator from Florida.<sup>1</sup>

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<sup>1</sup> Art. VI, s. 4(b), FLA. CONST.

The U.S. Supreme Court has held that state-imposed limits on the terms of *federal* office holders violate the U.S. Constitution, effectively rendering unenforceable Florida's term limits on its congressional members.<sup>2</sup>

The term limits provision was proposed by citizen initiative and passed at the 1992 general election by a greater than 3-to-1 margin (approved by over 76% of electors voting on the measure).<sup>3</sup> The amendment applied *prospectively*; service prior to the 1992 election did not count toward the eight-year restriction. Thus, the term limits amendment did not begin to have a direct impact until the 2000 election cycle.

### **Florida School Boards**

There are currently 358 school board members across the 67 districts in Florida.<sup>4</sup> There is no provision in the Florida Constitution or Florida Statutes that limits the term of school board members.

Section 4(a) of Article IX of the Florida Constitution provides that:

Each county shall constitute a school district ... 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.

The responsibility of each school district includes operating, controlling, and supervising all free public schools within the school district and determining the rate of school district taxes within the limits of the school district.<sup>5</sup>

### **III. Effect of Proposed Changes:**

SJR 274 provides that a person may not appear on the ballot for reelection to the office of school board member if by the end of his or her current term he or she served, or but for resignation will have served, in that office for 8 consecutive years. The language mirrors the current constitutional limits that apply to Cabinet members and state legislators. The proposed amendment would operate prospectively beginning with the 2020 general election, unless the Legislature authorizes it to be voted at an earlier special election; thus, the earliest any currently serving school board member could be "termed-out" likely would be at the 2028 general election.

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<sup>2</sup> See, *U.S. Term Limits, Inc. v. Thornton*, 115 S. Ct. 1842 (1995).

<sup>3</sup> See Florida Division of Elections website at <http://dos.elections.myflorida.com/initiatives/> (Year=1992; Ballot proposal #9) (last visited March 6, 2019). For more information on the 1992 term-limit constitutional amendment, see <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=1066&seqnum=1> (last visited March 6, 2019).

<sup>4</sup> The Florida School Boards Association, *State of the Association, Vol. 3* at p.1 (2017-18 Annual Report), available at: <http://fsba.org/wp-content/uploads/2018/11/annual-report-201718.pdf> (last visited March 6, 2019). For a list of all Florida school boards and a link to the corresponding school boards website see: <http://fsba.org/membership/school-boards/> (last visited March 6, 2019).

<sup>5</sup> Fla. Const. Art. IX s. 4(b).

The joint resolution, if passed by a 3/5ths vote of each House of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that purpose. The joint resolution would apply upon approval of the voters — at least 60% of those voting on the measure.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the identical House Bill. Using the Division's 2018 general election estimate of \$120.31 per word, this 318-word amendment should cost just over **\$38,250**.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This joint resolution substantially amends Articles IX and XII of the Florida Constitution.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.