

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1635 Hernando County School District, Hernando County

**SPONSOR(S):** Ingoglia

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	17 Y, 0 N	Renner	Miller
2) Early Learning & Elementary Education Subcommittee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Florida Constitution provides that each school district shall have a superintendent of schools, elected for a four-year term or, if provided by resolution or special act approved in a referendum, appointed by the school board. The superintendent serves as the secretary and executive officer of the school district, responsible for general oversight; making recommendations on policy, rules, and minimum standards; and performing other duties assigned by law or rules of the State Board of Education.

The School Board of Hernando County adopted a resolution to change the position of the Hernando County Superintendent of Schools from an elected to an appointed position and the resolution was approved by the electorate during the March 10, 1992, presidential preference primary.

The bill repeals the School Board of Hernando County resolution providing for an appointed superintendent. The bill provides for an elected superintendent, subject to approval in a referendum to be conducted at the 2022 general election. The bill provides that the initial term of the elected superintendent shall begin with the 2026 general election.

The Economic Impact Statement filed with the bill indicates that the bill is revenue neutral and it is not anticipated that the placement of the question on the ballot will increase the costs that the Supervisor of Elections will incur in running the 2022 general election.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Superintendent of Schools

The Florida Constitution provides that each county constitutes a school district,<sup>1</sup> and each school district shall have a superintendent of schools.<sup>2</sup> The superintendent may be elected for a four-year term or, if provided by resolution or special act approved in a referendum, selected by the district school board.<sup>3</sup> The election of a superintendent may only occur at a general election in years that are multiples of four.<sup>4</sup> The term of the superintendent begins on the second Tuesday following the general election in which the superintendent is elected.<sup>5</sup>

If a resolution or special act providing for the selection of the superintendent by the district school board is approved by the voters, the resolution or special act may not be rescinded or repealed by either method for four years.<sup>6</sup> After that four period, the resolution or special law may be rescinded or repealed either by a subsequent resolution of the school board, or subsequent special act, approved by the voters.<sup>7</sup>

Of Florida's 67 counties, 27 counties have a board appointed superintendent and 40 have an elected superintendent.<sup>8</sup>

The superintendent serves as the secretary and executive officer of the school district.<sup>9</sup> The superintendent possesses general powers to:

- provide general oversight of the school district;
- advise and counsel the school board on all education matters and make recommendations on the board's course of action;
- make policy recommendations to the school board;
- make recommendations on rules to the school board to supplement those adopted by the State Board of Education (SBE) and ensuring the execution of the rules adopted;
- make recommendations on minimum standards and ensure adopted standards of the school board and SBE are executed; and
- perform other duties assigned by law or rules of the SBE.<sup>10</sup>

The superintendent is also responsible for:

- presiding at the organizational meeting for the district school board and submitting required documentation to the Department of Education;
- attending the school board's regular meetings and calling special meetings in event of an emergency;
- maintaining the official records of the school district, including an inventory of district property;
- preparing a planned school program for the school district which incorporates data, sponsor studies, and surveys;

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<sup>1</sup> Art. IX, s. 4, Fla. Const.

<sup>2</sup> Art. IX, s. 5, Fla. Const.

<sup>3</sup> *Id.*

<sup>4</sup> Art. IX, s. 5, Fla. Const. and s. 100.041(1), F.S.

<sup>5</sup> S. 100.041(3)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Art. IX, s. 5, Fla. Const.

<sup>8</sup> Florida Association of District School Superintendents, *About Superintendents*, <https://fadss.org/membership/superintendents> (last visited March 2, 2021).

<sup>9</sup> S. 1001.48, F.S.

<sup>10</sup> S. 1001.49, F.S.

- recommending the establishment, organization, and operation of schools, classes, and services to provide educational opportunities for all children in the district;
- managing school district personnel, including recommending the revocation of teaching certificates for good cause;
- making recommendations concerning textbooks and other instructional aids, including distributing and accounting for such material;
- providing student transportation;
- the educational facilities of the district;
- managing the finances of the school district;
- maintaining records and submitting required reports;
- cooperating with federal, state, county, or municipal agencies; and
- school improvement and accountability.<sup>11</sup>

The superintendent must be a resident of the school district.<sup>12</sup> The minimum salary of the superintendent is set by a statutory formula based on county population, but may be set at a higher rate by a majority vote of the school board.<sup>13</sup>

### School Board of Hernando County

The School Board of Hernando County (Board) consists of five members each of whom must reside within the school district.<sup>14</sup>

In 1991, the Board adopted a resolution to change the position of the Hernando County Superintendent of Schools from an elected to an appointed position and submitted the resolution for the Board of County Commissioners to place before the voters.<sup>15</sup> The resolution was approved by the electorate during the March 10, 1992, presidential preference primary.<sup>16</sup>

Whenever the position of superintendent is vacant, the Board must actively seek the best qualified and most capable candidate for the position. The Board may be aided in the task by:<sup>17</sup>

- professional consultants;
- the out-going superintendent; and
- the participation of members of the community.

The Board must annually evaluate the performance of the superintendent, including progress toward the educational goals of the district and the working relationship between the Board and the superintendent.<sup>18</sup>

### Referendum Process

The Florida Election Code provides the general requirements for a referendum.<sup>19</sup> The question presented to voters must contain a ballot summary with clear and unambiguous language, such that a

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<sup>11</sup> S. 1001.51, F.S.

<sup>12</sup> S. 1001.463, F.S.

<sup>13</sup> S. 1001.47, F.S.

<sup>14</sup> Hernando County School Board Policy Manual, Bylaws, section 0144, <https://go.boarddocs.com/fl/hern/Board.nsf/Public?open&id=welcome#> (last visited March 8, 2021).

<sup>15</sup> Hernando County Board of County Commissioners Resolution 91-183.

<sup>16</sup> The ballot results are on file with the Local Administration & Veterans Affairs Subcommittee.

<sup>17</sup> Hernando County School Board Policy Manual, Administration, section 1020, <https://go.boarddocs.com/fl/hern/Board.nsf/Public?open&id=welcome#> (last visited March 5, 2021).

<sup>18</sup> Hernando County School Board Policy Manual, Administration, section 1040, <https://go.boarddocs.com/fl/hern/Board.nsf/Public?open&id=welcome#> (last visited March 5, 2021).

<sup>19</sup> S. 101.161, F.S.

“yes” or “no” vote on the measure indicates approval or rejection, respectively.<sup>20</sup> The ballot summary should explain the purpose of the measure and may not exceed 75 words.<sup>21</sup> The ballot summary and title must be included in the resolution or ordinance calling for the referendum.<sup>22</sup>

### **Effect of the Bill**

The bill repeals the School Board of Hernando County resolution providing for an appointed superintendent. The bill provides for an elected superintendent, subject to approval by the qualified electors in a referendum to be conducted at the 2022 general election. If approved by the qualified electors, the initial term of the elected superintendent shall begin with the 2026 general election.

The referendum election must be conducted by the Supervisor of Elections of Hernando County in accordance with the Florida Election Code.

#### **B. SECTION DIRECTORY:**

Section 1. Provides legislative findings.

Section 2. Repeals the School Board of Hernando County resolution which provides for an appointed superintendent of schools and provides for an elected superintendent of schools.

Section 3. Provides for a referendum on November 8, 2022.

Section 4. Provides that the bill takes effect upon becoming a law, except that the repeal of the School Board resolution and the subsequent election of a Superintendent will take effect only upon the approval by a majority vote of qualified electors in Hernando County voting in a referendum in the November 8, 2022 general election.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 31, 2021, February 7, 2021, February 14, 2021, February 21, 2021

WHERE? *Tampa Bay Times*, a newspaper published in Hernando and Citrus County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? November 8, 2022.

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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<sup>20</sup> S. 101.161(1), F.S.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.