

**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 Education

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BILL: SB 134

INTRODUCER: Senator Ring

SUBJECT: Meetings of district school boards

DATE: February 18, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	<b>Pre-meeting</b>
2.			GO	
3.				
4.				
5.				
6.				

**I. Summary:**

This bill requires that district school boards hold at least one regular meeting each quarter within a school year, conducted after school hours or during the evening hours. The bill also requires district school boards to create written criteria to decide when to hold a quarterly meeting after school hours or during the evening hours.

This bill provides an effective date of July 1, 2013.

This bill amends section 1001.372 of the Florida Statutes.

**II. Present Situation:**

Section 1001.372(1), F.S. provides for the following meeting requirements for district school boards:

- Currently the district school board shall hold not less than one regular meeting each month for the transaction of business according to a schedule arranged by the district school board. The times of day for the meetings are not specified.
- The district school board shall convene in a special session 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 a request of the majority of the members of the district school board. In the event the district school superintendent should fail to call a special meeting when requested to do so, 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 two days' written notice.

- Written notice for the special session must be provided two days before the meeting informing all members and the district superintendent of the time and purpose of the meeting.
- The minutes of the meeting set forth the facts regarding the procedure in calling the meeting.
- The minutes are signed by the chair or by the majority of the members of the district school board.

### **State Constitution: Open Meetings**

Article I, s. 24(b) of the State Constitution establishes the state's public policy regarding access to government meetings. The section requires that all meetings of any collegial public body of the executive branch of state government or of any collegial public 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, be open and noticed to the public.

### **Government in the Sunshine Law**

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., also known as the "Government in the Sunshine Law" or "Sunshine Law", requires that 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 must be open to the public at all times. The board or commission must provide reasonable notice of all public meetings. Public meetings may not be held in certain locations that discriminate on the basis of sex, age, race, creed, color, origin or economic status or which operate in a manner that unreasonably restricts the public's access to the facility.<sup>1</sup> Minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and be open to public inspection.<sup>2</sup>

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

**Section 1** amends s. 1001.372, F.S. to require:

- District school boards to hold at least one regular meeting each quarter within a school year, conducted after school hours or during the evening hours.
- District school boards to create written criteria to decide when to hold the quarterly meetings after school hours.

The bill would only affect school boards that currently do not conduct at least one meeting after school hours during the year. All school boards would be required to hold at least one meeting after school hours or in the evening hours, making it possible for citizens to attend a meeting they might otherwise be unable to attend during the day. The school board would also have to adopt written criteria to decide when to hold the meeting which would allow citizens greater access to the time and location of the proposed meeting.

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<sup>1</sup> Section 286.011(6), F.S.

<sup>2</sup> Section 286.011(2), F.S.

**Section 2** provides an effective date of July 1, 2013.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

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:

None.

**VI. Technical Deficiencies:**

The bill states “the district school board shall hold at least one regular meeting each quarter within a school year, which is conducted after school hours or during the evening hours.”

The word “conducted” may not preclude a school board from starting the meeting before school is dismissed and continuing the meeting after school hours. Substituting the word “convened” would clarify that the bill intends the meeting to begin after school hours.

If the purpose of the bill is to make school board meetings more accessible to the members of the public, then “evening hours” may be a more suitable phrase than “after school hours.” School districts in the state have varied schedules of “after school hours.”<sup>3</sup>

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<sup>3</sup> Florida School Boards Association. Telephone conversation, February 13, 2013.

**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.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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