

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 7, 1998 Revised: \_\_\_\_\_

Subject: District School Board Elections

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Harkey</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

The committee substitute would require school districts in counties that had a population of more than 800,000 persons, but fewer than one million, to place a referendum on the ballot in November 1998, asking whether the school board should consist of seven members elected from single member districts in partisan elections. In 1997, three counties had populations of more than 800,000 people and fewer than one million; those counties were Hillsborough, Pinellas, and Orange. All three of those school boards consist of seven members who are elected at large.

The bill takes effect upon becoming a law.

This bill creates a new, unnumbered section of the Florida Statutes.

**II. Present Situation:**

The Florida Constitution, in Article IX, section 4, requires each school district to be controlled by a board composed of five or more members chosen by vote of the electors for appropriately staggered 4-year terms.

Each school district must be divided into at least five school board member residence areas, equal in population, under s. 230.061, F.S. A school district with a seven-member board can be divided into five residence areas with two members elected at-large, or it can be divided into seven residence areas. The number of residence areas for a seven-member board is determined by resolution of the school board. Only two school districts, Broward and Dade Counties, have nine-member boards. The Dade County School Board expanded from seven to nine members as a result of a court order, and Broward County voters approved a referendum in November 1997 to increase the size of the Board to nine members.

In 1997, the Legislature enacted section 230.106, F.S., requiring school districts with a population of one million or more people, as of the last decennial census, to submit to the voters a proposal to elect seven school board members from single member districts and to elect at-large two additional members. Because of the population limit, the bill pertained only to the election of Broward County's school board. In November 1997, the electors of Broward County approved the referendum. The law specifies that the referendum must be put on the ballot on the first Tuesday after the first Monday in November 1997. The law is a general law; however, the specified date for the election in 1997 appears to preclude the application of the law to counties that have a population of one million or more people in subsequent decennial censuses.

Section 230.10, F.S., requires the school board to be elected by district-wide vote of the electors. However, s. 230.105, F.S., provides an alternate procedure by which the electors of a school district can elect the school board from single-member districts. A proposition can be placed on the ballot at any primary, general, or otherwise-called special election. The district school board can adopt a resolution to place the proposition on the ballot, or 10 percent of the electors may petition the school board to do so.

There are arguments for and against electing school boards from single member districts. The argument for election from single member districts is that the board members will be more responsive to the districts they represent. The argument against election from single member districts is that the board members will lose sight of the concerns of the district as a whole.

According to the Florida School Boards Association, the following 21 school districts elect their school boards from single-member districts:

Bradford, Broward, Columbia, Dade, Duval, Escambia, Flagler, Franklin, Gadsden, Gulf, Hamilton, Hendry, Jefferson, Leon, Madison, Putnam, St. Johns, Suwannee, Taylor, Wakulla, and Washington.

Seven school boards are elected in nonpartisan elections. The school districts that hold nonpartisan elections are Alachua, Duval, Hernando, Hillsborough, Manatee, Palm Beach, and Volusia.

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

The committee substitute would require school districts in counties that had a population of more than 800,000 persons, but fewer than one million, to place a referendum on the ballot in November 1998, asking whether the school board should consist of seven members elected from single member districts in partisan elections. In 1997, three counties had populations of more than 800,000 people and fewer than one million; those counties were Hillsborough, Pinellas, and Orange. All three of those school boards consist of seven members who are elected at large. If the voters approved the referendum, the school board would be required to provide for the orderly transition to election from single member residence areas as the terms of incumbent school board members expired.

The estimated population of Florida's 10 largest counties, on April 1, 1997, was:

Dade	2,070,573
Broward	1,423,729
Palm Beach	1,003,798
Hillsborough	928,731
Pinellas	888,141
Orange	803,614
Duval	741,508
Polk	459,010
Brevard	458,035
Volusia	413,668

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None. Article III, section 11, of the State Constitution prohibits special laws or general laws of local application pertaining to the election of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies. The Florida Supreme court, in the 1990 case of School Board of Palm Beach County v. Winchester, determined that a local law pertained to the election of school board members in a charter county was constitutional. The three counties that would be affected by this bill are charter counties.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

C. Government Sector Impact:

The county supervisor of elections would incur a minimal cost for changing ballot styles.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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