

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 16, 1998 Revised: _____

Subject: Hillsborough County School District

	<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</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill would require the supervisor of elections in Hillsborough County to place a referendum on the ballot at the general election to be held on November 3, 1998, asking whether the Hillsborough County School Board should consist of seven nonpartisan members, five of whom would be elected from a single member residence area, and two of whom would be elected from the county at large.

The act shall take effect upon its approval by referendum.

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 settlement agreement/consent decree in U.S. District Court, Southern District of Florida, *Suarez, et. al v. School Board of Dade County*, Case No. 91-0457, which required representation on the School Board by factors set out in the agreement. 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.

The Hillsborough County School District Board currently consists of seven members elected in non-partisan elections (ch. 67-945, Laws of Florida, as amended by ch. 75-393, Laws of Florida). District members 1, 2, 3, 4, and 5 are elected by county-wide vote and must live within their member's residence areas. District members 6 and 7 are elected by county-wide vote and are required to reside within the county.

III. Effect of Proposed Changes:

This bill authorizes the supervisor of elections for Hillsborough County to place a referendum on the ballot at the general election to be held on November 3, 1998. The referendum provides for a seven-member district school board with five members to be elected from single-member

residence areas and two members elected from the county at large. School board elections in Hillsborough County would continue to be nonpartisan.

The transition schedule for election of the members is:

DISTRICT #	CURRENT EXPIRATION OF TERM	SINGLE MEMBER	COUNTY WIDE	NEW EXPIRATION OF TERM
1	2000	YES		2000
2	1998	YES		2002
3	2000	YES		2000
4	1998	YES		2002
5	2000	YES		2000
6	1998		YES	2002
7	2000		YES	2000

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None. Article III, s. 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. Hillsborough County is a charter county.

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:

Under the Voting Rights Act, 42 U.S.C. s. 1983 and 28 C.F.R. s. 41, Hillsborough County is required to obtain a preclearance determination from the United States Department of Justice that the election changes do not have the purpose and/or effect of denying the right to vote on account of race, color, or language minority group. This process takes approximately 90 days.

VIII. Amendments:

None.