

STORAGE NAME: h0051s1.edk

DATE: April 1, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HJR 51

RELATING TO: School Districts Location & Funding

SPONSOR(S): Committee on Education K-12 and Representative Warner

STATUTE(S) AFFECTED:

COMPANION BILL(S): SB 0294 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12 YEAS 7 NAYS 4
- (2) RULES, RESOLUTIONS & ETHICS
- (3)
- (4)
- (5)

I. SUMMARY:

The resolution proposes an amendment to Section 4 of Article IX of the State Constitution that would permit a county with more than 45,000 students to be divided into more than one school district. In order to divide a county under this provision, and notwithstanding other provisions, of the State Constitution, a commission could be created by special law to draw school district boundary lines, allocate assets, and make provisions for the contractual obligations, debts, and bonded indebtedness of the school district. All of these issues would be subject to review and approval by the circuit court for compliance with state and federal law.

The resolution will be subject to a statewide referendum and subsequently submitted for approval by local referendum in the applicable counties.

Except for millage voted for bonded indebtedness, funding for operation and capital outlay in school districts established pursuant to this section will be calculated on a county-wide basis and allocated as provided by general law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 4 of Article IX of the Florida State Constitution currently provides that each county constitutes a school district. However, the voters of two or more counties may decide to join together to form one school district. No districts have exercised this option.

Section 4 of Article IX of the State Constitution requires each school district to have a board composed of five or more members chosen by vote of the electors. Section 5 of Article IX requires each district to have a superintendent of schools who may be appointed or elected.

Section 236.081, F.S., creates the Florida Education Finance Program (FEFP) which is designed to provide equitable funding for students across the state. The program combines state dollars and local revenue in a formula to allocate funds to school districts according to a student population and cost of educational programs.

B. EFFECT OF PROPOSED CHANGES:

The resolution proposes, for approval by the electors of the State of Florida at the general election in November 1998, an amendment to the State Constitution to permit school districts with 45,000 or more students to divide into more than one school district. Each divided district must have no less than 15,000 students, as provided by general or special law, and is subsequently subject to approval by a vote of the electors of the county. In order to divide a county under this provision, and notwithstanding other provisions, of the State Constitution, a commission could be created by special law to draw school district boundary lines, allocate assets, and make provisions for the contractual obligations, debts, and bonded indebtedness of the school district. All of these issues would be subject to review and approval by the circuit court for compliance with state and federal law.

Except for millage voted for bonded indebtedness, funding for divided school districts, would be calculated on a county-wide basis. Therefore, the resolution does not change the current district funding calculation. Allocations to each school district will be provided in general law.

According to the Florida Department of Education Fall 1996 student membership list, there are thirteen school districts large enough to be affected by the resolution. These school districts are Brevard, Broward, Dade, Duval, Escambia, Hillsborough, Lee, Orange, Palm Beach, Pinellas, Polk, Seminole, and Volusia.

Under the provisions of the bill, 97 school districts in addition to the current 67 could potentially be created in Florida: Dade could divide into as many as 22 school districts; Broward could divide into 14 districts; Hillsborough and Palm Beach each could divide into 9 districts; Duval and Orange each could divide into 8 districts; Pinellas could divide into 7 districts; Polk and Brevard each could divide into 4 districts; and Escambia, Lee, Seminole, and Volusia each could divide into 3 districts.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

Yes, see Effect of Proposed Changes, above.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, see Effect of Proposed Changes, above.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

If a county school district is divided into two or more school districts, each of the districts would have the responsibilities, costs, and powers formerly held by the one school district.

- (2) what is the cost of such responsibility at the new level/agency?

Indeterminate.

- (3) how is the new agency accountable to the people governed?

The divided districts should be more accountable to the people because they will be smaller and more community based.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, divided districts should afford more local control.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

- (5) Are families penalized for not participating in a program?

Not applicable.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

Not applicable.

- (2) service providers?

Not applicable.

- (3) government employees/agencies?

Not applicable.

ACADEMIC EXCELLENCE COUNCIL'S ADDITIONAL CONSIDERATIONS:

1. Does it improve instruction?

Divided districts could improve instruction by providing better parent and student involvement.

2. Does it allow teachers to teach?

Yes.

3. Does it improve student character?

Divided districts could improve student character by improving parental involvement in the student's education and by improving the student's attachment to his or her school.

4. Does it prepare our students to be a part of the 21st century workforce?

Yes, see 3., above.

5. Does it empower parents to make decisions?

Yes, see 3., above.

6. Does it create educational options?

Yes, see 3., above.

7. Does it create an environment where students can learn?

Yes, see 3., above.

D. SECTION-BY-SECTION ANALYSIS:

PCS/HJR 51 proposes to amend Section 4 of Article IX of the State Constitution to permit a county with more than 45,000 students to divide into more than one school district, as described above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None, other than the costs of the statewide referendum.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

The amendment provides school districts options which might improve school efficiency and address the needs of smaller units.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

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D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 1, 1997, PCS/HB 51 passed favorably out of the Committee on Education K-12 with one amendment clarifying language relating to the commission created to study the issue of dividing school districts.

VII. SIGNATURES:

COMMITTEE ON EDUCATIONAL SERVICES:

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