

STORAGE NAME: h0843.edk
DATE: March 26, 1997

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

BILL #: HJR 843
RELATING TO: Schools/Subdivided Districts
SPONSOR(S): Representative Andrews
STATUTE(S) AFFECTED:
COMPANION BILL(S): SB 1730 (i)

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

- (1) EDUCATION K-12
- (2) FINANCE & TAXATION
- (3) EDUCATION (FISCAL)
- (4)
- (5)

I. SUMMARY:

The resolution proposes an amendment to Section 4 of Article IX of the State Constitution permitting counties to subdivide into more than one school subdistrict, each school subdistrict to be comprised of all the public schools within any municipality or combination of municipalities within the county.

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 subdistricts established pursuant to this section will be calculated on a countywide 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.

Section 2 of Article VIII of the State Constitution provides that municipalities may be established or abolished and their charters amended pursuant to general or special law. Municipalities are constitutionally granted all governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services. Municipalities may exercise any power for municipal purposes except as otherwise provided by law. The only specific constitutional requirement concerning municipal government is that its legislative body must be elected. (The Florida Local Government Formation Manual 5th Edition, Florida House of Representatives, Committee on Community Affairs, October 1996.)

Florida law governing the formation and dissolution of municipal governments is found in chapter 165, Florida Statutes, the "Formation of Municipalities Act." The stated purpose of the Act is to provide standards, direction, and procedures for the incorporation, merger, and dissolution of municipalities, and to achieve the following goals: orderly patterns of growth and land use; adequate public services; financial integrity in government; equity in fiscal capacity; and fair cost distribution for municipal services. (s. 165.021, F.S.)

B. EFFECT OF PROPOSED CHANGES:

The resolution proposes an amendment to the State Constitution to permit counties to subdivide into more than one school subdistrict, each school subdistrict to be comprised of all the public schools within any municipality or combination of municipalities within the county, as provided by general or special law. The resolution would be presented to the electors of the State of Florida at the general election in November 1998, and if the resolution is approved by the electors, any proposed subdivision would be subject to subsequent approval by a majority of the electors of the county voting in a countywide referendum.

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

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?

Any school subdistrict established pursuant to this new constitutional authorization would have the primary authority to make rules or adjudicate disputes as necessary within the subdistrict's jurisdiction, and that authority would no longer be the primary responsibility of the district school system. However, the district school board would remain responsible for overseeing the administration of the entire district school system, including subdistricts.

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

Yes, see (1), 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?

See a. (1), above.

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

Indeterminate, but should be minimal, because the district school board would continue to administer the district school system and there should be no additional bureaucracy established.

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

The school subdistrict should be more accountable to the people, because it would consist of a single municipality or combination of municipalities, instead of the entire county.

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, individual residents of a municipality or combination of municipalities could choose to have more control over their schools.

- 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?

A school subdistrict could improve instruction by enhancing parent and student involvement.

2. Does it allow teachers to teach?

Yes.

3. Does it improve student character?

A school subdistrict 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:

HJR 843 proposes an amendment to Section 4 of Article IX of the State Constitution permitting counties to subdivide into more than one school subdistrict. Each school subdistrict will be comprised of all the public schools within any municipality or combination of municipalities within the county, as provided by general or special law.

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.

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

Indeterminate.

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:

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:
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