

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

The bill increases government by creating a committee in school districts with a K-12 student enrollment in excess of 250,000 students to review the governing structure of the districts.

B. EFFECT OF PROPOSED CHANGES:

Background

The 2000 Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to review the land purchasing practices of the Miami-Dade County School District. The results of this review were reported in the *Special Review: Land Acquisition Practices of the Miami-Dade County School District*, Report No. 01-26, May 2001.

The OPPAGA report noted that the Miami-Dade School District was facing substantial overcrowding and needed new school facilities to meet this growth. At that time the district estimated that it needed over \$1.6 billion in new facilities and had several policy options that could meet these needs without raising taxes or obtaining additional state funding. In addition, there were a number of fiscal options that could raise \$1.1 billion to \$2.9 billion in local revenue to meet facility needs without additional state funding.

However, the OPPAGA report found that the district may lack the public support it needs to obtain voter approval of its fiscal options or to implement some of its policy options. One way the district could obtain this support is to improve its land acquisition and facility planning processes and thereby strengthen the public’s confidence in its ability to make efficient use of its resources.

The OPPAGA report concluded that:

- The district has a generally effective process for identifying school facility needs, but it lacks a broad-based committee to establish the district’s highest priorities;
- The district’s land acquisition office frequently has not acquired the land it needed because it often did not use the five-year construction plan to guide its acquisitions;
- The district also has not established good land acquisition procedures to help it ensure that the prices it pays for land are reasonable; and
- The district generally builds costs-effective schools, but could meet more of its facility needs through policy and fiscal options that reduce the need for new facilities and makes available more local resources to meet facility needs.

OPPAGA recommended that the district and county government should conduct an independent review of Miami-Dade County’s education impact fee along with the district’s practices relating to its contributions in addition to those impact fees to ensure more equity and fairness.

Provisions of the bill

HB 1125 requires each school district with a K-12 student enrollment in excess of 250,000 students to establish a committee to review the current governing structure of the school district.

It appears that the bill will only be applicable to the Miami-Dade and Broward School Districts, whose total student enrollment exceeds 250,000 students. The bill will begin to address and implement some of the OPPAGA report recommendations and conclusions.

The bill specifies that the emphasis of the committee's review be an evaluation of the school district's performance in delivery of services and the ability of the community to interact with the school district.

The bill also requires the committee to evaluate:

- the number of district school board members;
- single-member representation;
- district school board member term limits;
- campaign finance relating to election of district school board members;
- the position of district school superintendent;
- the school district's administrative organizational structure;
- the creation of a construction and facilities board comprised of citizens in the community to monitor land purchase and construction of educational facilities; and
- the division of the school district into smaller school districts.

The committee's evaluation is not limited to these areas and may encompass other issues as it sees fit.

The bill provides committee membership to include:

- 2 members appointed by the Governor.
- 1 member of the State Board of Education (SBE).
- 1 member appointed by the President of the Senate.
- 1 member appointed by the Speaker of the House of Representatives.
- 1 district school board member of the school district being evaluated.
- The district school superintendent of the school district being evaluated.
- An attorney from the Office of the Attorney General.
- The mayors of the two municipalities in the school district with the largest population.

The bill also provides the committee with a staff consisting of a full-time executive secretary, a contracted attorney, and a contracted specialized consultant to assist in the school district review.

The bill requires the committee to take its findings and report to the district school board recommended changes to the governing structure of the school district no later than July 1, 2005.

The bill provides an effective date of July 1, 2004.

C. SECTION DIRECTORY:

Section 1: Requires the creation of a committee in specified school districts to review the current governing structure of the school district and provides committee membership and reporting requirements.

Section 2: Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenue.

2. Expenditures:

This bill will have a fiscal impact on state government expenditures in that it will require the Broward and Miami-Dade school districts to establish a committee that includes a staff consisting of a full-time executive secretary, a contracted attorney, and a contracted specialized consultant. However, the actual amount of the fiscal impact is indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenue.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The review committee created by the bill falls within the definition of a "public body" and will be subject to the provisions of Article I, Section 24 of the State Constitution and must comply with the public meetings and records provisions of that section and with s. 286.011, F.S. Any exemption from the public meetings and records provisions of the State Constitution must comply with Article I, Section 24(c).

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not limit the committee members to residents of the county in which the committee will be established, therefore s. 112.061, F.S., per diem and travel expenses of public officers, employees, and authorized persons, should apply in case a committee member does not reside in that district and must travel for committee business.

This bill also does not include any reference to s. 286.011, F.S., regarding public meetings and records, which would require these committee meetings to be open to the public, along with their records.

These two issues could be addressed with amendments including these sections of law.

The bill is unclear on who has the authority to select certain committee members: the member of the State Board of Education, the district school board member of the school district being evaluated and the attorney from the Office of the Attorney General. While it is likely that the Attorney General will choose the attorney that sits on the committee, the bill does not specify how these specific members will be appointed.

The bill also requires that one member of the committee include the district school superintendent of the school district being evaluated, but the bill also requires the committee to evaluate the position of district school superintendent. This could raise a conflict of interest issue.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES