



## 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 350,000 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, with the committee substitute, requires a committee to be established in each school district that is in a county as defined in s. 125.011, F.S., and that has a K-12 student enrollment in excess of 350,000 students.

Section 125.011 (1), F.S. defines county as “any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word ‘county’ within the above provisions shall include ‘board of county commissioners’ of such county.”

Currently, the bill will only be applicable to the Miami-Dade School District, which has the largest school district in the state and whose total student enrollment exceeds 350,000 students. The bill will begin to address and implement some of the OPPAGA report recommendations and conclusions.

The bill specifies that because of the large student enrollment in the school district, the committee is required to review the current governing structure with an emphasis on 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; and
- the creation of a construction and facilities board comprised of citizens in the community to monitor land purchase and construction of educational facilities.

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.
- The school district attorney, *who shall be a nonvoting member*.
- The mayors of the two municipalities in the school district with the largest population.
- One member of the education committee of the local Chamber of Commerce.
- One member of the teachers’ collective bargaining unit.
- The president of the Parent Teacher Association.
- The dean of the college of education of the local state university or his or her designee.
- The president of the local community college or his or her designee.
- One member of the county commission.
- The county mayor.

The bill also provides the committee with a staff consisting of an executive secretary and a contracted specialized consultant to assist in the school district review. The executive secretary must be hired and paid by the district school board.

The bill requires the committee to report its findings and recommendations regarding changes to the governing structure of the school district to the district school board, the SBE, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2005.

The bill provides an effective date of July 1, 2004 and repeals the act on January 1, 2006 when the committee will no longer cease to exist.

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 Miami-Dade school districts to establish a committee that includes a staff consisting of an executive secretary, who shall be hired and paid by the district school board; and a contracted specialized consultant. However, the actual amount of the fiscal impact depends on the salaries of these two employees.

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:

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

2. Other:

Because the bill uses a population classification and a specific definition of the type of county to which it applies, it may raise a concern under Article III, Section 10 of the State Constitution. Any county that meets the definition of a "county" in s. 125.011(1), F.S., and that has a school district student population over 350,000 will be required to create the study committee.

A special act or law is designed to operate only upon designated persons or discrete regions, and bears no reasonable relationship to differences in population or other legitimate criteria.<sup>1</sup> A general law of local application applies to a distinct region or set of subdivisions within the state using a classification scheme that is based on population or some other reasonable characteristic which distinguishes one locality from another.<sup>2</sup> On the other hand, laws which distinguish on the basis of population may be classified as special laws if their objectives bear no reasonable relationship to differences in population.<sup>3</sup>

HB 1125 creates a study committee in any county that meets its county definition and population classification threshold, but it does not regulate, alter local laws or ordinances or otherwise affect the operation of any county or school district. In addition, the bill states that the committee is formed for a specific purpose based on the large student population threshold, tying the bill's purpose - the review of school district management - to the large student population reflected in the population classification.

The definition of "county" in s. 125.011(1), F.S., includes more than one county in Florida. Moreover, any recommended changes to a specific local school district management structure would require a local bill if the Legislature intended to affect only one school district.

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 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, the member of the education committee of the local Chamber of Commerce, the member from the teachers' collective bargaining unit, and the member from the county commission.

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**

The Committee on Education adopted a strike-all amendment to the bill on March 31, 2004, which became CS/HB 1125. This analysis is drawn to the CS.

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<sup>1</sup> See *Housing Authority v. City of St. Petersburg*, 287 So.2d 307, 310 (Fla.1973)(defining a special law).

<sup>2</sup> *City of Miami Beach v. Frankel*, 363 So.2d 555 (Fla. 1978).

<sup>3</sup> *State ex rel. Utilities Operating Co. v. Mason*, 172 So.2d 225 (Fla. 1964).