

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1221  
**SPONSOR(S):** Cannon  
**TIED BILLS:**

District School Boards

**IDEN./SIM. BILLS:** SB 2252

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	5 Y, 2 N	Beagle	Mizereck
2) Education Council			
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

Florida law provides procedures governing the composition of district school boards. Currently, district school board chairs are selected by the district school board on an annual basis.

The bill creates a procedure enabling school district voters to elect a school board chair in a general election.

The bill takes effect on July 1, 2006.

The bill does not appear to have a fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provides Limited Government--** The bill provides a procedure enabling school district voters to elect a single school board chair in a districtwide election.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

Florida law grants local district school boards authority to control K-12 education operations in the district.<sup>1</sup> Section 4 of Article IX of the Florida Constitution provides that each school district must have a school board comprised of 5 members or more. School board members are elected to serve four year staggered terms, in nonpartisan elections.<sup>2</sup> Florida law provides 3 options for electing school board members:

- Five member boards elected from five member residence areas;
- Seven member boards elected from five member residence areas, with two members elected at-large; and
- Seven member boards elected from seven member residence areas.<sup>3</sup>

All school district voters may vote for one candidate from each member residence area.<sup>4</sup>

Florida law provides an alternate procedure that, upon approval by school district voters, allows for single member representation within each district.<sup>5</sup> Under this procedure, voters may only vote for one candidate from the school board member residence area in which they reside, and at-large candidates if applicable.

Currently, the district school board chair and vice chair are selected by the district school board each year at the school board's annual organizational meeting.<sup>6</sup>

##### Effect of Proposed Changes:

House bill 1221 establishes a procedure for the districtwide election of a school board chair as an additional member of the school board. The issue may be placed on the ballot for voter approval by district school board resolution or by voter petition.

The bill provides several requirements for the petition process. Once required signatures are obtained and verified, the district school board must adopt a formal resolution that the issue be decided in the earliest primary or general election or by special election. However, a special election may not be called solely for the purpose of deciding a proposition for districtwide election of a school board chair. Districts that adopt a proposition for district wide election of a school board chair must elect a school board chair at the next general election.

The provisions of the bill only apply to school districts with single member representation. District school boards in districts that vote for a school board chair by districtwide election are excluded from the provisions for selecting a school board chair contained in 1001.371, F.S.

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<sup>1</sup> Section 4, Article IX, Florida Constitution and s. 1003.02, F.S.

<sup>2</sup> Section 4, Article IX, Florida Constitution.

<sup>3</sup> Section 1001.36, F.S.

<sup>4</sup> Section 1001.362, F.S.

<sup>5</sup> Section 1001.362, F.S.

<sup>6</sup> Section 1001.371, F.S.

The bill provides that, in districts with an elected school board chair, a vote by members of a district school board resulting in a tie is resolved in favor of the side on which the school board chair voted. The bill further provides that actions taken pursuant to tie votes decided in this fashion satisfy any requirements for a "majority" vote or "simple majority" vote.

C. SECTION DIRECTORY:

Section 1. Creates s. 1001.364, F.S.; establishing an alternate procedure for electing a district school board chair.

Section 2. Creates s. 1001.365, F.S.; providing procedures for deciding tie votes.

Section 3. Amends s. 1001.371, F.S.; exempting district school boards with districtwide elected chairs from the provisions of this section.

Section 4. Provides an effective date of July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal 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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**