

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Pre-K - 12 Committee

BILL: SB 1218

INTRODUCER: Senator Wise

SUBJECT: District School Board Chair/Election

DATE: March 12, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	Pre-meeting
2.	_____	_____	EE	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill repeals an alternative procedure for selecting a school board chair. The alternative procedure allows for the election of an additional member to the school board to serve as chair if the electors approve a proposition calling for the election of a district school board chair.

This bill repeals section 1001.364 of the Florida Statutes.

II. Present Situation:

Florida law grants local district school boards authority to control K-12 education operations in the district.¹ 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.² 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.³

¹ s. 4, Article IX, Florida Constitution and s. 1003.02, F.S.

² s. 4, Article IX, Florida Constitution

³ s. 1001.36, F.S.

All school district voters may vote for one candidate from each member residence area.⁴ Florida law provides an alternate procedure that, upon approval by school district voters, allows for single member representation within each district.⁵ 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.

A district school board chair and vice chair are selected by the district school board each year at the school board's annual organizational meeting.⁶ The 2006 Legislature established an alternative procedure by which school board district electors may elect, by a district wide vote, a school board chair as an additional member of the school board.⁷ A proposition calling for the school board district electors to elect an additional member to serve as school board chair must be submitted to the school district electors at any primary, general, or otherwise-called special election.

The law provides two means by which the proposition to elect a school board chair may secure ballot placement. First, the district school board may adopt a formal resolution that the proposition be placed on the ballot. Second, the school district electors may petition to have the proposition placed on the ballot. In order for electors to secure ballot placement of the proposition, they must register as a political committee as provided in s. 106.03, F.S. The electors must present the school board with petitions signed by at least 10 percent of the electors residing in the school district. This number is determined by the supervisor of elections and is based on the number of registered electors in the school district as of the date the petitioning electors register as a political committee.

Once the supervisor determines that the required signatures are present, he or she must certify the petitions to the district school board, which then adopts a formal resolution requesting an election date at the earliest primary, general, or otherwise called special election occurring at least 30 days after petition certification. A special election may not be called for the sole purpose of presenting the proposition to the voters. If the proposition is approved, the office of the district school board chair must be filled at the next general election.

III. Effect of Proposed Changes:

The bill repeals an alternative procedure for selecting a school board chair. The alternative procedure allows for the election of an additional member to the school board to serve as chair if the electors approve a proposition calling for the election of a district school board chair.

The effective date of the bill is July 1, 2007.

⁴ s. 1001.361, F.S.

⁵ s. 1001.362, F.S.

⁶ s. 1001.371, F.S.

⁷ Chapter 2006-256, L.O.F., which created s. 1001.364, F.S. This section applies only to charter counties with a population between 800,000 and 900,000, based on the last federal decennial census. According to the U.S. Census Bureau, the 2000 federal decennial census reports that Orange County, population 896,344, would meet the criteria.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Chapter 2006-256, L.O.F., created s. 1001.364, which provides for an alternative procedure for selecting a school board chair. The legislation also amended s. 1001.371, F.S., to clarify that this section does not apply to school districts which elect a school board chair by district wide vote. The bill repeals s. 1001.364, F.S. To conform, s. 1001.371, F.S., should be amended and section 1 of chapter 2006-256, F.S., relating to legislative findings, should be repealed.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
