

By Senator Villalobos

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1                   A bill to be entitled  
2           An act relating to school districts; creating s.  
3           1001.454, F.S.; providing for the recall of district  
4           school board members; providing applicability;  
5           providing requirements for the petition for recall and  
6           the signature process; providing requirements for the  
7           recall election; requiring that the ballot for recall  
8           contain certain statements; amending s. 1012.22, F.S.;  
9           requiring that each district school board adopt the  
10          district school superintendent's recommendations  
11          relating to compensation and salary schedules unless  
12          66 percent of the district school board members vote  
13          to reject such recommendations; amending s. 1012.27,  
14          F.S.; revising provisions relating to the district  
15          school superintendent's duty to prepare and recommend  
16          salary schedules for adoption by the district school  
17          board; prohibiting the school superintendent from  
18          recommending an increase in salary schedules of  
19          administrative personnel or managers if the salary  
20          schedules of instructional personnel and educational  
21          support employees have not been increased; requiring  
22          that the school superintendent review the salary  
23          schedules of all administrative personnel and managers  
24          to ensure that no person is paid in excess of twice  
25          the district's average salary of classroom teachers  
26          for the prior academic year; requiring that the school  
27          superintendent recommend corrective action to address  
28          any pay disparity; providing for severability;  
29          providing an effective date.

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30  
31 Be It Enacted by the Legislature of the State of Florida:  
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33 Section 1. Section 1001.454, Florida Statutes, is created  
34 to read:

35 1001.454 Recall of district school board members.—

36 (1) APPLICATION.—Any member of a district school board may  
37 be recalled and removed from office by the electors of the  
38 district.

39 (a) If a board member is elected for single-member  
40 representation within the residence areas of a district pursuant  
41 to s. 1001.362, only electors from that area may sign the  
42 petition to recall the member and vote in the recall election.

43 (b) If the board member is elected at-large or by the  
44 electors of an entire district pursuant to s. 1001.361, all the  
45 electors of the district may sign the petition to recall the  
46 member and vote in the recall election.

47 (c) In addition to other procedures provided by law, board  
48 members may be removed from office pursuant to the procedures  
49 provided in this section.

50 (2) RECALL PETITION.—

51 (a) *Petition content.*—A petition for recall shall contain  
52 the name of the person who is to be recalled and the position he  
53 or she currently holds.

54 (b) *Requisite signatures.*—

55 1. In a district or a district school board member  
56 residence area having fewer than 500 registered electors, the  
57 petition must be signed by at least 50 electors or by 10 percent  
58 of the total number of registered electors in the district or

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59 district school board member residence area as of the preceding  
60 district election, whichever is greater.

61 2. In a district or a district school board member  
62 residence area having 500 or more but fewer than 2,000  
63 registered electors, the petition must be signed by at least 100  
64 electors or by 10 percent of the total number of registered  
65 electors of the district or district school board member  
66 residence area as of the preceding district election, whichever  
67 is greater.

68 3. In a district or a district school board member  
69 residence area having 2,000 or more but fewer than 5,000  
70 registered electors, the petition must be signed by at least 250  
71 electors or by 10 percent of the total number of registered  
72 electors of the district or district school board member  
73 residence area as of the preceding district election, whichever  
74 is greater.

75 4. In a district or a district school board member  
76 residence area having 5,000 or more but fewer than 10,000  
77 registered electors, the petition must be signed by at least 500  
78 electors or by 10 percent of the total number of registered  
79 electors of the district or district school board member  
80 residence area as of the preceding district election, whichever  
81 is greater.

82 5. In a district or a district school board member  
83 residence area having 10,000 or more but fewer than 25,000  
84 registered electors, the petition must be signed by at least  
85 1,000 electors or by 10 percent of the total number of  
86 registered electors of the district or district school board  
87 member residence area as of the preceding district election,

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88 whichever is greater.

89 6. In a district or a district school board member  
90 residence area having 25,000 or more registered electors, the  
91 petition must be signed by at least 1,000 electors or by 5  
92 percent of the total number of registered electors of the  
93 district or district school board member residence area as of  
94 the preceding district election, whichever is greater.

95 (c) Signature process.—Each elector who signs a petition  
96 for recall shall sign and date his or her name in ink or  
97 indelible pencil. Each petition shall contain appropriate lines  
98 for each elector's original signature, printed name, street  
99 address, city, county, voter registration number or date of  
100 birth, and date signed.

101 (d) Filing of signed petitions.—All signed petitions shall  
102 be filed at the same time, no later than 90 days after the date  
103 on which the first signature is obtained, with the auditor or  
104 clerk of the school board, or his or her representative. A  
105 petition may not be amended after it is filed with the auditor  
106 or the clerk, or his or her representative.

107 (e) Verification of signatures.—

108 1. Immediately after the filing of a petition, the clerk  
109 shall submit the petition to the county supervisor of elections.  
110 No more than 30 days after the date on which all petitions are  
111 received, the supervisor of elections shall promptly verify the  
112 signatures in accordance with s. 99.097 and determine whether  
113 the requisite number of valid signatures has been obtained. Any  
114 party who seeks verification of the signatures must submit a  
115 payment in advance to the supervisor of elections in the amount  
116 of 10 cents for each signature checked or the actual cost of

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117 checking such signatures, whichever is less.

118 2. If the supervisor of elections determines that the  
119 petition does not contain the requisite number of verified and  
120 valid signatures, the clerk shall, upon receipt of such written  
121 determination, certify to the school board that the requisite  
122 number of verified and valid signatures has not been obtained  
123 and file the petition without taking further action. Additional  
124 names may not be added to the petition and the petition may not  
125 be used in any other proceeding.

126 3. If the supervisor of elections determines that the  
127 petition has the requisite number of verified and valid  
128 signatures, he or she shall request that the chief judge of the  
129 judicial circuit in which the school district is located fix a  
130 day for holding the recall election.

131 4. Upon request, the auditor or the clerk, or his or her  
132 representative, shall make the petition and all subsequent  
133 papers or forms required or permitted to be filed in compliance  
134 with this section available in alternative formats.

135 (3) RECALL ELECTION.—A recall election shall be held not  
136 less than 30 days or more than 60 days after the supervisor of  
137 elections requests the election and at the same time as any  
138 other general or special election held within the period. If the  
139 election is not held within the required period, the judge shall  
140 call a special recall election to be held within the period  
141 provided in this subsection.

142 (4) BALLOTS.—

143 (a) The ballot at the recall election must state the  
144 following: "Shall....be removed from the office of....by  
145 recall?"

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146       (b) The following propositions must be stated after each  
147 question on the ballot:

148       1. "[Name of person] should be removed from office."

149       2. "[Name of person] should not be removed from office."

150       (5) RESULTS OF RECALL ELECTION.—If a majority of the  
151 electors votes to not remove the member from office, the member  
152 shall continue to serve in office under the terms of his or her  
153 preceding election. If the majority of electors votes to recall  
154 the member, he or she shall, regardless of any defect in the  
155 recall petition, be deemed removed from office immediately.

156       (6) FILLING OF VACANCIES.—Any vacancy created by recall  
157 shall be filled by appointment in accordance with s. 1001.38.

158       Section 2. Paragraph (c) of subsection (1) of section  
159 1012.22, Florida Statutes, is amended to read:

160       1012.22 Public school personnel; powers and duties of the  
161 district school board.—The district school board shall:

162       (1) Designate positions to be filled, prescribe  
163 qualifications for those positions, and provide for the  
164 appointment, compensation, promotion, suspension, and dismissal  
165 of employees as follows, subject to the requirements of this  
166 chapter:

167       (c) *Compensation and salary schedules.*—

168       1. The district school board shall adopt a salary schedule  
169 or salary schedules designed to furnish incentives for  
170 improvement in training and for continued efficient service to  
171 be used as a basis for paying all school employees and fix and  
172 authorize the compensation of school employees on the basis  
173 thereof.

174       2. A district school board, in determining the salary

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175 schedule for instructional personnel, must base a portion of  
176 each employee's compensation on performance demonstrated under  
177 s. 1012.34, must consider the prior teaching experience of a  
178 person who has been designated state teacher of the year by any  
179 state in the United States, and must consider prior professional  
180 experience in the field of education gained in positions in  
181 addition to district level instructional and administrative  
182 positions.

183 3. In developing the salary schedule, the district school  
184 board shall seek input from parents, teachers, and  
185 representatives of the business community.

186 4. Beginning with the 2007-2008 academic year, each  
187 district school board shall adopt a salary schedule with  
188 differentiated pay for both instructional personnel and school-  
189 based administrators. The salary schedule is subject to  
190 negotiation as provided in chapter 447 and must allow  
191 differentiated pay based on district-determined factors,  
192 including, but not limited to, additional responsibilities,  
193 school demographics, critical shortage areas, and level of job  
194 performance difficulties.

195 5. Beginning with the 2009-2010 academic year, each  
196 district school board shall adopt the district school  
197 superintendent's recommendations relating to the compensation  
198 and salary schedules pursuant to s. 1012.27(2) unless 66 percent  
199 of the district school board members vote to reject such  
200 recommendations.

201 Section 3. Subsection (2) of section 1012.27, Florida  
202 Statutes, is amended to read:

203 1012.27 Public school personnel; powers and duties of

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204 district school superintendent.—The district school  
205 superintendent is responsible for directing the work of the  
206 personnel, subject to the requirements of this chapter, and in  
207 addition the district school superintendent shall perform the  
208 following:

209 (2) COMPENSATION AND SALARY SCHEDULES.—

210 (a) Prepare and recommend to the district school board for  
211 adoption a salary schedule or salary schedules.

212 (b) In developing or recommending a salary schedule or  
213 salary schedules, the district school superintendent:

214 1. ~~The district school superintendent~~ Must recommend a  
215 salary schedule for instructional personnel which bases a  
216 portion of each employee's compensation on performance  
217 demonstrated under s. 1012.34.

218 2. ~~In developing the recommended salary schedule, the~~  
219 ~~district school superintendent~~ Shall include input from parents,  
220 teachers, and representatives of the business community.

221 3. Shall recommend a Beginning with the 2007-2008 academic  
222 year, the recommended salary schedule for classroom teachers  
223 ~~shall be~~ consistent with the district's differentiated-pay  
224 policy based upon s. 1012.22.

225 4. Beginning with the 2009-2010 academic year, shall  
226 recommend increases to the salary schedules of administrative  
227 personnel or managers only if the salary schedules of  
228 instructional personnel, as defined in s. 1012.01(2), and  
229 educational support employees, as defined in s. 1012.01(6), have  
230 also been increased, before or at the same time as the proposed  
231 salary increases for administrative personnel or managers, by a  
232 percentage greater than that proposed for any of the



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233 administrative personnel or managers.

234 5. Beginning with the 2009-2010 academic year, shall review  
235 the salary schedules of all administrative personnel and manager  
236 positions and ensure that no person is paid in excess of twice  
237 the district's average salary of classroom teachers for the  
238 prior academic year. If the school superintendent finds that a  
239 person is receiving more than twice the district's average  
240 salary of classroom teachers for the prior academic year, the  
241 school superintendent shall recommend corrective action to  
242 address the pay disparity by reducing the administrative  
243 personnel or manager salary or commensurately increasing the  
244 salary schedule and salaries of classroom teachers.

245 Section 4. If any provision of this act or its application  
246 to any person or circumstance is held invalid, the invalidity  
247 does not affect other provisions or applications of the act  
248 which can be given effect without the invalid provision or  
249 application, and to this end the provisions of this act are  
250 severable.

251 Section 5. This act shall take effect July 1, 2009.