

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 307 District School Board Membership

**SPONSOR(S):** K-20 Innovation Subcommittee; Logan

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 778

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) K-20 Innovation Subcommittee	9 Y, 4 N, As CS	Fudge	Sherry
2) Government Operations Subcommittee			
3) Education Committee			

**SUMMARY ANALYSIS**

The bill requires school districts, in counties with a population that exceeds 2 million people, to consist of nine members. Seven of the members will be elected from single-member residence areas, which must be as nearly equal in population as practicable, according to the most recent decennial census. Two school board members will be elected from the district at large as chair and vice chair. The bill also requires staggering of the terms of the members.

The bill does not have a fiscal impact on state or local governments.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Law

Article IX, section 4 of the Florida Constitution, provides that a school board shall be composed of five or more members chosen by vote of the electors in a nonpartisan election for appropriately staggered terms of four years, as provided by law. Current law requires that school districts be divided into at least five district school board member residence areas.<sup>1</sup> District school board members are elected in the November general election for terms of four years.<sup>2</sup> However, the “terms shall be staggered, so that alternately, one more or one less than half of the members elected from residence areas and, if applicable, one of the members elected at large from the entire district are elected every 2 years.”<sup>3</sup>

For those school districts with seven district school board members, the district may be divided into five residence areas, with two district school board members elected at large; or the district may be divided into seven residence areas. Residence areas must be determined by resolution passed by a majority vote of the school board.<sup>4</sup> However, any changes to residence areas shall only occur in “odd-numbered years and no change that would affect the residence qualifications of any incumbent member shall disqualify such incumbent during the term for which he or she is elected.”<sup>5</sup>

The chair of the school board is selected by the members on the third Tuesday after the first Monday in November of each year. The board may also elect a vice chair.<sup>6</sup>

##### Dade County Consent Decree

In 1991, two separate and distinct classes filed a vote dilution case. The first class consisted of all of the Black registered voters in Dade County. The second class consisted of all the Hispanic registered voters in Dade County. Each Plaintiff class alleged that the existing at large electoral system for electing members of the school board resulted in an impermissible dilution of the voting strength of both Black and Hispanic Dade County voters. The Plaintiffs sought: “(1) a declaration that the use of at-large elections for nominating and electing members of the school board violated the Voting Rights Act; (2) a preliminary injunction enjoining Defendants from conducting or implementing the results of any further at-large elections to the school board; (3) an order directing the school board to implement a method of nominating and electing members of the school board which enables the fair opportunity to elect representatives of their choosing and which does not dilute minority strengths; and (4) an award of attorney’s fees.”<sup>7</sup>

On April 27, 1994, the school board adopted a redistricting plan that increased the number of school board members from seven to nine, and provided for the election of all members from single member districts beginning in 1996. On November 18, 1994, the United States District Court for the Southern District of Florida approved of the consent decree entered into between the parties.<sup>8</sup>

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<sup>1</sup> Section 1001.34, F.S.

<sup>2</sup> Section 1001.35, F.S.

<sup>3</sup> Section 1001.362(2)(c), F.S.

<sup>4</sup> Section 1001.36(1)(b), F.S.

<sup>5</sup> Section 1001.36(2), F.S.

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

<sup>7</sup> *Memorandum Opinion and Order Approving Class Action Settlement and Granting Motion to Adopt Consent Decree*, p. 2, November 18, 1994. *Suarez v. School Bd. of Dade County*, Case No. 91-0457-CIV-NESBITT

<sup>8</sup> *Id.*

## Effect of Proposed Changes

To prevent inconsistencies with current law, the bill notwithstanding specified provisions of law<sup>9</sup> that primarily govern election of school boards with five or seven members. However, to the extent that those provisions should also apply to the election of school board members governed by the bill, those provisions were incorporated into the bill.

The bill provides that school districts in counties with a population that exceeds 2 million people shall consist of nine members. Currently, only Miami-Dade County exceeds 2 million people at a population of approximately 2.4 million people.<sup>10</sup>

Seven of the members will be elected from single-member residence areas, which must be as nearly equal in population as practicable, according to the most recent decennial census. Two school board members will be elected from the district at large to serve as chair and vice chair as determined by vote of the electors.

Currently the Miami-Dade County school board consists of nine single member residence areas. Reducing the number of residence areas from nine to seven may affect residency area boundaries. The bill authorizes the district school board to make any changes it deems necessary to the boundaries of any district school board residence area in odd-numbered years. Any change to residence areas that would affect the residence qualifications of any incumbent member shall not disqualify that member during the term for which they were elected.

The bill also provides that the terms of the members must be staggered so that one more or one less than half of members elected from residence areas and one of the members elected at large are elected every two years.

### B. SECTION DIRECTORY:

Section 1: Creates 1001.3615, F.S., to require that certain school districts consist of nine members, with seven elected by single-member residence areas, and two elected at-large.

Section 2: Provides an effective date of upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

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<sup>9</sup> The bill notwithstanding s. 1001.36, F.S., governing district school board member residence areas, s. 1001.361, F.S., governing election of board by districtwide vote, and s. 1001.362, F.S., governing alternate procedures for the election of district school board members to provide for single-member representation.

<sup>10</sup> The counties with the next highest population are: Broward County, 1.7 million, Palm Beach County, 1.3 million, Hillsborough County, 1.2 million, Orange County 1 million.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

The bill does not reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**