

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1357 District School Boards  
**SPONSOR(S):** K-20 Competitiveness Subcommittee; Glorioso  
**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 620

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee	11 Y, 0 N, As CS	Muller	Ahearn
2) Education Committee	15 Y, 0 N	Muller	Klebacha

### SUMMARY ANALYSIS

The bill provides flexibility for school districts in scheduling elections of a school board chair. The bill amends the existing requirement that district school boards elect a chair on the third Tuesday after the first Monday of November, and instead requires that the election be held in November. The bill also provides that in a general election year, the election of a school board chair must comply with the statutory requirements for a general election.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The Florida Constitution requires that each county constitute a school district, and that each school district be governed by school board composed of five or more members.<sup>1</sup> The school board is charged with the operation, control, and supervision of all free public schools.<sup>2</sup>

Members of district school boards are elected by a vote of qualified electors within the district.<sup>3</sup> These elections take place during the general election and members are elected for 4 year terms.<sup>4</sup> General elections are required to take place in each county on the first Tuesday after the first Monday in November of each even-numbered year.<sup>5</sup> The school board members begin their term on the second Tuesday following the general election.<sup>6</sup>

Current law provides that a district school board elect a chair of the board on the third Tuesday after the first Monday in November of each year.<sup>7</sup> This requirement has resulted in the election taking place during a school district's Thanksgiving holiday.<sup>8</sup>

There is no explicit public notice requirement in the statute governing school board chair elections, but the meetings at which the elections take place are subject to both the constitutional requirements for public notice of open meetings as well as the public notice requirements for meetings found in statute.<sup>9</sup>

##### **Effect of Proposed Changes**

Current law requires that the election of a school board chair take place on the third Tuesday after the first Monday in November of each year.<sup>10</sup> School districts have expressed concerns with the current scheduling requirement because sometimes the third Tuesday occurs during Thanksgiving holidays.<sup>11</sup> When this occurs, school districts need to bring in staff and provide access to the school district facilities when the facilities would otherwise be closed. The need to bring in additional staff and reopen facilities can present additional costs to the school district.<sup>12</sup>

To address these concerns, the bill gives school districts flexibility in scheduling the election of the school board chair by removing the requirement that the meeting fall on the third Tuesday after the first Monday. The bill requires that the meeting take place in November. Additionally, the bill requires that during a general election year, the election of a school district chair must comply with the statutory requirements for a general election.

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<sup>1</sup> Art. IX, s. (4)(a), Fla. Const.

<sup>2</sup> Art. IX, s. (4)(b), Fla. Const.

<sup>3</sup> Section 1001.361, F.S.

<sup>4</sup> Section 100.041(3), F.S.

<sup>5</sup> Section 100.031, F.S.

<sup>6</sup> Section 100.041, F.S.

<sup>7</sup> Section 1001.371, F.S.

<sup>8</sup> For example, in the 2011-12 school year, the third Tuesday after the first Monday was November 22, 2011, which was the Tuesday before Thanksgiving.

<sup>9</sup> Art. I, s. 24(b), Fla. Const. ("All meetings ... of any ... school district ... at which official acts are to be taken or at which public business of such body is to be transacted or discussed shall be open and noticed to the public."); s. 1001.37, F.S.; s. 286.011(1), F.S. ("Any meetings of any ... political subdivision ... at which official acts are to be taken are declared to be public meetings open to the public at all times ... . The board or commission must provide reasonable notice of all such meetings.").

<sup>10</sup> Section 1001.371, F.S.

<sup>11</sup> For example, in the 2011-12 school year, the third Tuesday after the first Monday was November 22, 2011, which was the Tuesday before Thanksgiving.

<sup>12</sup> Telephone interview with staff, Hillsborough County Public Schools (Feb. 1, 2012).

**B. SECTION DIRECTORY:**

Section 1. Amends s. 1001.371, F.S., relating to the organization of district school boards, to require that each district school board organize and elect a chair in November, and in an election year, elect a chair in compliance with requirements for a general election year.

Section 2. Provides an effective date of July 1, 2012.

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

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**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:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 31, 2012, the K-20 Competitiveness Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed the bill's requirement that the election of a school board chair take place on the first Tuesday after the first Monday in November and required that the election take place in November. Additionally, the amendment specified that during a general election year, the election of a school board chair must comply with the statutory requirements for a general election.