

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: CS/SB 620

INTRODUCER: Education Pre-K-12 Committee and Senator Latvala

SUBJECT: District School Boards

DATE: February 7, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	deMarsh-Mathues	ED	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill provides flexibility for a school district in scheduling the election of the school board chair by expanding the time period in which school districts are required to hold their school board organizational meetings in non-election years. The bill provides for the meeting to be held in November of each year, except during election years. During election years, the organization meeting must be held on the same day in which newly elected members begin their terms. The bill only applies to school districts where school board chairs are not elected by a district-wide vote.

This bill substantially amends section 1001.371 of the Florida Statutes.

II. Present Situation:

Constitution Requirements

Article IX, section 4 of the Florida Constitution provides for five or more member district school boards selected by vote of the electors and requires staggered four-year terms, as provided by law. School boards operate, control and supervise the public schools within their respective districts.

District School Board Election Requirements

General elections are held in each county on the first Tuesday after the first Monday in November of each even-numbered year.¹ In general elections, the successors for district officers with expiring terms are chosen.² School board members are elected for terms of four years with terms beginning on the second Tuesday following the general election in which they are elected.³ This means the terms for newly elected school board members can begin any time from November 16th to November 22nd.

Current law requires each district school board to organize by electing a chair on the third Tuesday after the first Monday in November of each year.⁴ This means the terms for newly elected school board members have already begun by the time the organizational meeting takes place, and thus, newly elected members may participate in the district school board's electing a chair. Also, the district school board may elect a vice chair, and the district school superintendent must act ex officio as the secretary.⁵ If a vacancy occurs in the position of chair, the district school board is required to elect a chair at the next ensuing regular or special meeting. The district school superintendent acts as the chair at the organizational meeting or until organization is complete. These provisions do not apply to school districts where school board chairs are elected by a district-wide vote.⁶

Notice Requirements for District School Board Meetings

All regular and special meetings of district school boards are required to take place in the office of the district school superintendent or in a room convenient to that office and regularly designated as the district school board meeting room unless public notice is given to hold a meeting at another appropriate public place in the county.⁷ Further, district school boards must comply with the public meeting requirements in chapter 286, F.S., and the Florida Constitution.⁸

III. Effect of Proposed Changes:

This bill expands the time period in which school districts are required to hold the school board organizational meetings each year in school districts where school board chairs are not elected by a district-wide vote. Instead of requiring the meeting to take place on the third Tuesday after the first Monday in November, the bill allows the meeting to be held anytime in November. However, during election years, the bill requires the organization meeting to take place on the same date upon which newly elected members' terms begin.⁹ This means the organization

¹ This means that a general election is held, depending on the year, between November 2nd and November 9th.

² s. 100.031, F.S. This includes school board members, pursuant to s. 100.041(3)(a), F.S.

³ s. 100.041(3)(a), F.S.

⁴ s. 1001.371, F.S.

⁵ *Id.*

⁶ Section 1001.372(2), F.S., provides for the alternate procedure for election of a district school board chair by district-wide vote.

⁷ s. 1001.372(2), F.S.

⁸ s. 286.011, F.S., and art I, s. 24(b), Fla. Const.

⁹ Pursuant to s. 100.041 (3)(a), F.S., a newly elected board member's term begins on the second Tuesday following the general election in which the member is elected. The general election is held on the first Tuesday after the first Monday in November of each even-numbered year pursuant to s. 100.031, F.S. For example, in 2012, the terms for newly elected board members will begin on November 20th.

meeting must take place on a specific date each year on or between November 16th and November 22nd, depending on the year. The election year specific date requirement ensures that newly elected board members will be eligible to vote during the organization meeting. Thus, district school boards are afforded greater flexibility in determining when to hold the annual organizational meeting, but only in non-election years.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K - 12 Committee on February 6, 2012:

The committee substitute allows the organizational meeting of district school boards to take place at any time during November of each year, except during election years.

During election years, the organizational meeting must take place on the same date as newly elected school board members' begin their terms.

B. Amendments:

None.

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