

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: SB 620

INTRODUCER: Senator Latvala

SUBJECT: District School Boards

DATE: February 2, 2012 REVISED: _____

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

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 each year. The bill provides for the meeting to be held between the first Tuesday after the first Monday in November and the end of November. 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 elected for terms of four years with

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.

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 anywhere from November 16th to November 23rd.

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 during a range of dates, beginning after the first Tuesday after the first Monday in November and ending at the end of November. This creates a span of anywhere from 21 days⁹ and 28 days¹⁰ to hold the district school board organizational meeting. Thus, district school boards are afforded greater flexibility in determining when to hold the annual organizational meeting.

Current law ensures that newly elected school board members participate in the election of a chair. However, with the changes in this bill, the date of the organizational meeting may be scheduled at a time before the newly elected board members begin their terms. This may have the unintended result of the election of a chair by existing board members, rather than newly elected members.

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 If November 1st falls on a Tuesday, the meeting may be held on or between November 9th and November 30th.

¹⁰ If November 1st falls on a Monday, the meeting may be held on or between November 3rd and November 30th.

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.)

None.

B. Amendments:

None.