

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1079 City of Jacksonville, Duval County

**SPONSOR(S):** Local Administration Subcommittee, Fischer

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration Subcommittee	7 Y, 4 N, As CS	Darden	Miller
2) PreK-12 Innovation Subcommittee		Sleap	Brink
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Florida Constitution provides that each county constitutes a school district, and each school district shall have a superintendent of schools, elected for a four-year term or, if provided by resolution or special act approved in a referendum, selected by the school board. The superintendent serves as the secretary and executive officer of the school district, responsible for providing general oversight to the district school board; making recommendations on policy, rules, and minimum standards; and performing other duties assigned by law or rules of the State Board of Education.

The charter for the consolidated government of the City of Jacksonville, initially approved by the voters in 1967 and readopted in 1992, establishes the Duval County School Board and tasks the board with selecting “a person with experience in school management and supervision” to serve as superintendent of schools.

The bill would amend the charter for the consolidated government of the City of Jacksonville to provide an elected superintendent of schools for Duval County, subject to approval in a referendum to be conducted at the 2020 general election. The bill provides that the initial term of the elected superintendent shall begin with the 2024 general election and that any person who serves two consecutive full terms as superintendent is not eligible for election in the succeeding term. The bill also contains provisions related to the transition to an elected superintendent if the charter amendment is approved.

The bill provides that the act shall take effect upon approval by a majority vote of the qualified electors in the referendum provided in the act, except the required referendum election to be held on November 3, 2020 shall take effect upon becoming a law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Superintendent of Schools

The Florida Constitution provides that each county constitutes a school district,<sup>1</sup> and each school district shall have a superintendent of schools.<sup>2</sup> The superintendent may be elected for a four-year term or, if provided by resolution or special act approved in a referendum, selected by the district school board.<sup>3</sup> If a resolution or special act providing for the selection of the superintendent by the district school board is approved by the voters, the resolution or special act may not be rescinded or repealed by either method for four years.<sup>4</sup> The election of a superintendent may only occur at a general election in years that are multiples of four.<sup>5</sup> The term of the superintendent begins on the second Tuesday following the general election in which the superintendent is elected.<sup>6</sup>

Of Florida's 67 counties, 25 counties have a board appointed superintendent and 42 have an elected superintendent.<sup>7</sup>

The superintendent serves as the secretary and executive officer of the school district.<sup>8</sup> The superintendent possess general powers to:

- provide general oversight of the school district;
- advise and counsel the school board on all education matters and make recommendations on the board's course of action;
- make policy recommendations to the school board;
- make recommendations on rules to the school board to supplement those adopted by the State Board of Education (SBE) and ensuring the execution of the rules adopted;
- make recommendations on minimum standards and ensure adopted standards of the school board and SBE are executed; and
- perform other duties assigned by law or rules of the SBE.<sup>9</sup>

The superintendent is also responsible for:

- presiding at the organizational meeting for the district school board and submitting required documentation to the Department of Education;
- attending the school board's regular meetings and calling special meetings in event of emergency;
- maintaining the official records of the school district, including an inventory of district property;
- preparing a planned school program for the school district which incorporates data, sponsor studies, and surveys;
- recommending the establishment, organization, and operation of schools, classes, and services to provide educational opportunities for all children in the district;
- managing school district personnel, including recommending the revocation of teaching certificates for good cause;

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

<sup>2</sup> Art. IX, s. 5, Fla. Const.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Art. IX, s. 5, Fla. Const. and s. 100.041(1), F.S.

<sup>6</sup> Section 100.041(3)(a), F.S.

<sup>7</sup> Florida Association of District School Superintendents, *About Superintendents*, <http://www.fadss.org/membership/superintendents> (last visited Jan. 24, 2020).

<sup>8</sup> Section 1001.48, F.S.

<sup>9</sup> Section 1001.49, F.S.

- recommendations concerning textbooks and other instructional aids, to include distributing and accounting for such material;
- providing student transportation;
- educational facilities;
- managing the finances of the school district;
- maintaining records and submitting required reports;
- cooperating with federal, state, county, or municipal agencies; and
- school improvement and accountability.<sup>10</sup>

The superintendent must be a resident of the school district.<sup>11</sup> The minimum salary of the superintendent is set by a statutory formula based on county population, but may be set at a higher rate by a majority vote of the school board.<sup>12</sup>

### Duval County School Board (Consolidated Government of the City of Jacksonville)

The charter for the consolidated government of the City of Jacksonville was approved by the voters in 1967 and readopted in 1992.<sup>13</sup> The charter consolidated the county government of Duval County, the municipal government of the City of Jacksonville, and several special districts.<sup>14</sup> The consolidated government has all powers of a chartered county government, as well as the powers of a municipality (except within the boundaries of the municipalities of Jacksonville Beach, Atlantic Beach, Neptune Beach, and Baldwin).<sup>15</sup>

The Duval County School Board (Board) is a part of the charter government.<sup>16</sup> The Board is comprised of seven members, elected from districts composed of two adjoining city council districts.<sup>17</sup> Members must be current electors and residents of the district from which they are elected and have been an elector and resident for at least 183 consecutive days immediately before the date on which the member qualifies to run for the office.<sup>18</sup> Members may not be public employees or hold another public office.<sup>19</sup>

The Board is responsible for selecting “a person with experience in school management and supervision” to serve as superintendent of schools.<sup>20</sup> The superintendent has the powers and duties granted by general law, special act, and those adopted by the Board.

### Referendum Process

The Florida Election Code provides the general requirements for a referendum.<sup>21</sup> The question presented to voters must contain a ballot summary with clear and unambiguous language, such that a “yes” or “no” vote on the measure indicates approval or rejection, respectively.<sup>22</sup> The ballot summary should explain the purpose of the measure and may not exceed 75 words.<sup>23</sup> The ballot summary and title must be included in the resolution or ordinance calling for the referendum.<sup>24</sup>

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<sup>10</sup> Section 1001.51, F.S.

<sup>11</sup> Section 1001.463, F.S.

<sup>12</sup> Section 1001.47, F.S.

<sup>13</sup> Chs. 67-1320, 92-341, Laws of Fla.

<sup>14</sup> Art. I, s. 1.01(a), Charter of the City of Jacksonville, as codified by ch. 92-341, s. 1, Laws of Fla. (hereinafter Charter of the City of Jacksonville).

<sup>15</sup> Art. 1, s. 1.01(b), Charter of the City of Jacksonville.

<sup>16</sup> Art. 13, Charter of the City of Jacksonville.

<sup>17</sup> Art. 13, s. 13.02, Charter of the City of Jacksonville.

<sup>18</sup> Art. 13, s. 13.04, Charter of the City of Jacksonville.

<sup>19</sup> The charter provides an exception for members of the military, federal employees, and federal officeholders.

<sup>20</sup> Art. 13, s. 13.07, Charter of the City of Jacksonville.

<sup>21</sup> Section 101.161, F.S.

<sup>22</sup> Section 101.161(1), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

## Effect of Proposed Changes

The bill amends the charter for the consolidated government of the City of Jacksonville to provide for an elected superintendent of schools for Duval County. The bill provides that the initial term of the elected superintendent shall begin with the 2024 general election and that any person who serves two consecutive full terms as superintendent is not eligible for election in the succeeding term. The bill provides that the election of the superintendent shall be governed by general law concerning the election of county officers.

The bill provides for a referendum election to be held in Duval County during the 2020 general election. The bill provides a ballot title and referendum question to ask voters if the Charter of the City of Jacksonville should be amended to provide for an elected superintendent. The bill requires the Duval County Supervisor of Elections to conduct the election and certify the results in accordance with the Florida Election Code. If a majority of the voters voting in the referendum vote yes for an elected superintendent, the charter amendment will take effect.

The bill provides that the superintendent in office at the time the amendment takes effect shall remain in office until the 2024 general election, subject to removal and replacement under the terms of any contract between the superintendent and the school board. This provision would also apply to any successor appointed in the event of a vacancy between the time the charter amendment takes effect and the 2024 general election.

### B. SECTION DIRECTORY:

**Section 1.** Amends ch. 92-341, Laws of Fla., as amended; providing for an elected superintendent of schools; specifying term limits for such superintendent.

**Section 2.** Provides requirements for a referendum.

**Section 3.** Authorizes the superintendent in office at the time the charter amendment becomes effective to remain in office under certain circumstances.

**Section 4.** Provides that the bill shall take effect upon approval by a majority vote of the qualified electors in the referendum provided in the act, except the required referendum election to be held on November 3, 2020 shall take effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 15, 2019

WHERE? The *Jacksonville Daily Record*, a daily newspaper published in Duval County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? November 3, 2020

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not provide rulemaking authority or require executive branch rulemaking.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 22, 2020, the Local Administration Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment provides the term of the elected superintendent will begin with the 2024 general election, if the charter amendment is approved by voters in a referendum, and removes language that is duplicative of provisions of general law.

This analysis is drafted to the committee substitute as approved by the Local Administration Subcommittee.