

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HJR 1461 Prohibition on Compensation for Members of a District School Board

SPONSOR(S): Early Learning & Elementary Education Subcommittee, Garrison

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	11 Y, 6 N	Wolff	Sanchez
2) Early Learning & Elementary Education Subcommittee	10 Y, 7 N, As CS	Wolff	Brink
3) Education & Employment Committee			

SUMMARY ANALYSIS

The House joint resolution proposes an amendment to the Florida Constitution that would prohibit the compensation of a district school board member. The proposal would align district school boards with other state education governing boards where members serve without compensation.

The proposed prohibition would apply to any district school board member newly elected on or after November 8, 2022, and to any district school board member reelected on or after November 8, 2022, with at least eight years of service after November 8, 2022.

Article XI, Section 1 of the Florida Constitution requires a joint resolution proposing a constitutional amendment be passed by three-fifths of the membership of each legislative house to be placed on the ballot.

Article XI, Section 5 of the Florida Constitution requires a proposed constitutional amendment be approved by at least sixty percent of those voting on the measure at a general election to amend the Florida Constitution.

The proposed constitutional amendment will go into effect on November 8, 2022, if approved.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

Present Situation

District School Boards

Florida's Constitution provides that each county school district must be governed by a school board composed of five or more members elected to staggered, four-year terms, as provided by law.¹ Each district school board must operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits.² The powers and duties of the district school board are further set forth in law.³

Compensation for District School Boards

A national survey of school board members and superintendents reflects that 61 percent of district school board members were not compensated, 28 percent received less than \$5,000 annually, and 7 percent received leases than \$10,000 annually.⁴

Florida law provides that each member of a district school board shall receive a base salary, based on the population of the county the district school board member serves, with additional compensation added to the base salary for population increments over the minimum for each population group identified in the statute.⁵ In addition to the salary provided, each member of a district schoolboard shall be allowed, from the district school fund, reimbursement of travel expenses.⁶ The district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including member compensation and reimbursement for expenses.⁷

Traditionally, district school board member salaries were calculated by a formula established by law.⁸ However, in 2018,⁹ the law was amended to provide that district school board member salaries would be the lower of the amount calculated under statute or the starting salary in the district for a teacher with a baccalaureate degree.¹⁰

According to the 2020-21 Salaries of Elected County Constitutional Officers and School District Officials, using the statutory formula school board member salaries would range from \$26,691 (Lafayette) to \$46,773 (Broward, Miami-Dade, Hillsborough, Orange and Palm Beach), with a statewide average salary of \$35,995.¹¹ In addition to annual salaries, school board members receive compensation in the form of benefits, on average these benefits are approximately \$10,799.¹²

¹ Art. IX, s. 4(a), Fla. Const.

² Art. IX, s. 4(b), Fla. Const.

³ Sections 1001.41 and 1001.42, F.S.

⁴ National School Board Association, *Today's School Boards & Their Priorities for Tomorrow*, (2018), p. 30, available at https://cdn-files.nsba.org/s3fs-public/reports/K12_National_Survey.pdf?5XEOPBQlubbzr9x.8_5rFrBRugkHKS7N (last visited March 30, 2021).

⁵ Section 1001.395, F.S.

⁶ Section 1001.39, F.S.

⁷ Section 1001.43(10), F.S.

⁸ See s. 1001.395, F.S. For a complete explanation of the history and calculations of school board member salaries, see The Florida Legislature's Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2020-21*, Sept. 2020, available at <http://edr.state.fl.us/content/local-government/reports/finsal20.pdf> (last visited March 30, 2021).

⁹ Section 5, ch. 2018-5, L.O.F.

¹⁰ Section 1001.395(3), F.S.

¹¹ The Florida Legislature's Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2020-21*, Sept. 2020, pgs. 10-11, available at <http://edr.state.fl.us/content/local-government/reports/finsal20.pdf> (last visited March 30, 2021).

¹² Benefits calculated based on the ratio of benefits to salaries provided in each school districts 2019-20 Annual Financial Reports.

Other Education Board Compensation Limits in Florida Statutes

Florida law provides that members of the State Board of Education (SBE),¹³ university boards of trustees,¹⁴ the Board of Governors of the State University System (BOG),¹⁵ and Florida College System (FCS) institution boards of trustees¹⁶ serve without compensation. The members of each of these boards may be reimbursed for travel expenses in accordance with s. 112.061, Florida Statutes.¹⁷

Effect of Proposed Changes

The House joint resolution proposes amending the Florida Constitution to provide that members of a district school board shall serve without compensation. The prohibition on compensation would become effective on November 8, 2022. Members of a district school board that are newly elected on or after November 8, 2022, and members of a district school board reelected on or after that date, who have served at least eight years after November 8, 2022, will not be permitted to receive compensation from the school district for their service. This proposal supersedes s. 1001.395, F.S., that currently governs district school board salaries. The resolution would result in cost savings for school districts and those funds would remain with the school district and could be redirected to other education purposes.

The resolution would align the compensation of district school board with the SBE, the BOG, state university boards of trustees, and FCS institution boards of trustees, all of whom serve without compensation. However, unlike the other education boards, the proposal does not provide that district school board members can be reimbursed for travel.

The resolution provides the required ballot language for the proposed amendment to the Florida Constitution.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State is also required to provide each supervisor of elections with either booklets or posters displaying the full text of each proposed amendment.¹⁸ The cost to advertise the amendment and procure booklets would be paid from non-recurring General Revenue funds. The fiscal impact of this requirement is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹³ Section 1001.01(1), F.S.

¹⁴ Section 1001.71(2), F.S.

¹⁵ Section 1001.70(2), F.S.

¹⁶ Section 1001.61(3), F.S.

¹⁷ Sections 1001.01(1), 1001.71(2), 1001.70(2), and 1001.61(3), F.S.

¹⁸ Section 101.171, F.S.

None.

2. Expenditures:

The proposal would result in an estimated \$15,676,102 statewide savings for school districts. See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Estimated savings calculated using the total of the salaries provided by the Office of Economic and Demographic Research (\$2,411,708), the minimum number of district school board members per district (five), and an estimated benefits to salary ratio of 30 percent. Therefore, the statewide board salaries and benefits total an estimated \$15,676,102 (\$12,058,540 salaries plus \$3,617,562 benefits).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 1, 2021, the Early Learning & Elementary Education Subcommittee adopted one amendment and reported the resolution favorably as a committee substitute. The amendment clarifies that, should the proposed constitutional amendment be adopted, current district school board members would remain eligible for compensation for up to 8 years.

The bill analysis is drafted to the committee substitute adopted by the Early Learning & Elementary Education Subcommittee.