

**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.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SJR 244

INTRODUCER: Senator Gruters

SUBJECT: Partisan Elections for Members of District School Boards

DATE: November 15, 2021      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rey	Roberts	EE	<b>Favorable</b>
2.			ED	
3.			RC	
4.				
5.				
6.				

**I. Summary:**

Senate Joint Resolution 244 proposes an amendment to the state constitution to require members of a district school board to be elected in a partisan race. If SJR 244 is adopted, members of district boards may not be elected on a partisan basis until the general election held in November 2024. Primary elections for purposes of nominating political party candidates to district school boards may occur before the 2024 general election.

SJR 244 requires three-fifths vote of the membership of each house of the Legislature for passage.<sup>1</sup>

If adopted by 60% of the electors voting on the measure at the 2022 general election, the amendment will go into effect upon approval by the electors.

**II. Present Situation:**

District School Boards

Unless otherwise voted upon by electors, each county shall constitute a school district.<sup>2</sup> In Florida, there are 67 school districts to match the 67 counties in the state.<sup>3</sup> Each school district shall have a school board composed of five or more members.<sup>4</sup> The school boards operate,

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<sup>1</sup> Fla. Const. art. XI, s.1 (2021).

<sup>2</sup> Fla. Const. art. IX, s. 4(a) (2021); s. 1001.30, F.S. Two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district.

<sup>3</sup> Florida Department of Education, [https://web03.fldoe.org/Schools/schoolmap\\_text.asp](https://web03.fldoe.org/Schools/schoolmap_text.asp) (last accessed on October 28, 2021).

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

control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits.<sup>5</sup> The powers and duties of the district school board are further set forth in law.<sup>6</sup>

### Election of School Board Members

School board members are chosen by vote of qualified electors in non-partisan elections and serve in appropriately staggered terms of four years, as provided by law.<sup>7</sup>

For election purposes, a school district is divided into at least five district school board member residence areas.<sup>8</sup> For districts with more than five school board members, the district can be divided into five district school board member residence areas, with the remaining district school board members serving at large, or the district can be divided into district school board member residence areas for each member.<sup>9</sup> A candidate for a district school board shall be a resident of the district board member residence area from which the candidate seeks election at the time he or she qualifies.<sup>10</sup>

Members of the district school board can be elected by either district-wide election or a single-member district election.<sup>11</sup> In a district-wide election, all qualified electors in the district shall be entitled to vote for one candidate from each district school board member residence area.<sup>12</sup> In school districts with single-member representation, candidates for the school board shall be elected only by qualified electors who reside in the same residence area as the candidate.<sup>13</sup>

Candidates for school board shall qualify to run for office with the supervisor of elections in their respective district.<sup>14</sup> If two or more candidates, neither of whom is a write-in candidate, qualify, their names shall appear on the ballot at the primary election.<sup>15</sup> Their names shall appear with no reference to political party affiliation.<sup>16</sup> If none of the candidates receive a majority of the votes cast for school board, the names of the two candidates receiving the highest number votes shall be placed on the general election ballot with no reference to political party affiliation.<sup>17</sup>

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<sup>5</sup> Fla. Const. art. IX, s. 4(b) (2021).

<sup>6</sup> Sections 1001.41 and 1001.42, F.S.

<sup>7</sup> Section 1001.35, F.S. (2021), Fla. Const. art. IX s. 4(a) (2021), was amended as part of a larger election reform package offered by the 1997-98 Constitution Revision Commission. Prior to the amendment, school board members were elected in partisan races. William A. Buzzett and Deborah K. Kearney, Annotation, Fla. Const. art. IX, s. 4, West's Florida Statutes Annotated, Florida Constitution – 1968 Revision (2020).

<sup>8</sup> Section 1001.36(1), F.S.

<sup>9</sup> Section 1001.36(1)(a), F.S.

<sup>10</sup> Sections 1001.361 and 1001.362(2)(b)1.-2., F.S.

<sup>11</sup> In 43 school districts, school members are elected by a district-wide vote of electors. In 21 school districts, school board members are elected by a vote of the electors within their residence area (single member district election). In 4 school districts, some school board members are elected by a vote of the electors within their residence area and others are elected by a district wide vote. "2018-2019 Florida School Board Fast Facts," Florida School Board Association (2019), <https://fsba.org/wp-content/uploads/2019/08/2018-2019-School-Board-Fast-Facts.pdf> (Last accessed October 28, 2021)

<sup>12</sup> Section 1001.361, F.S.

<sup>13</sup> Section 1001.362(2)(b), F.S.

<sup>14</sup> Section 105.031(1), F.S.

<sup>15</sup> Section 105.051(1)(b), F.S.

<sup>16</sup> Section 105.041(3), F.S.

<sup>17</sup> Section 105.051(1)(b), F.S.

A school board member's term begins on the second Tuesday following the general election in which the school board member is elected.<sup>18</sup>

### III. Effect of Proposed Changes:

SJR 244 requires a candidate for school board to be elected in a partisan race. At the time of qualifying, a partisan candidate for school board would be required to file a written statement identifying the political party of which they are a member.<sup>19</sup> They must also state they have been a member of the political party for 365 days before the beginning of qualifying preceding the general election for which they seek to qualify and they have paid any assessment levied against them by the executive committee of their political party.<sup>20</sup> A school board candidate with no party affiliation must state they have not been a registered member of any political party for 365 day before the beginning of the qualifying preceding the general election for which the person seeks to qualify.<sup>21</sup>

In a primary election with a partisan race, qualified electors will be entitled to vote for school board candidates of the political party designated in the elector's registration, and no other.<sup>22</sup> If all candidates in a partisan race for school board have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary election for that office.<sup>23</sup>

On a general election ballot, the appropriate three-letter abbreviation of a political party or no party affiliation (NPA) in capital letters will be included for each school board candidate.<sup>24</sup>

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### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Not applicable. Bills that affect state or local elections are exempt from Art. VII, s. 18 of the Florida Constitution.

#### B. Public Records/Open Meetings Issues:

None.

<sup>18</sup> *Id.*

<sup>19</sup> Section 99.021(1)(b), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 99.021(1)(c), F.S.

<sup>22</sup> Section 101.021, F.S.

<sup>23</sup> Fla. Const. art. VI, s.5(b) (2021).

<sup>24</sup> Fla. Admin. Code R. 1S-2.032(9)(c) (2021).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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 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 to full text of each proposed amendment.<sup>25</sup> The cost to advertise the amendment and procure booklets would be paid from non-recurring General Revenue funds. The Division has not completed an agency analysis for this bill or for the identical House Bill. The fiscal impact of this requirement is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends Article IX, s. 4 and Article XII of the Florida Constitution.

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<sup>25</sup> Section 101.171, F.S.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

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