

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 497 Lee County School District, Lee County

**SPONSOR(S):** Persons-Mulicka and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	16 Y, 0 N	Mwakyanjala	Miller
2) Early Learning & Elementary Education Subcommittee	13 Y, 4 N	Wolff	Brink
3) State Affairs Committee			

### SUMMARY ANALYSIS

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

The School Board of Lee County adopted a resolution to change the position of the Lee County Superintendent of Schools from an elected position to an appointed one, and the resolution was approved by the electorate at the November 5, 1974, general election.

The bill repeals the School Board of Lee County resolution providing for an appointed superintendent and provides for an elected superintendent, subject to approval in a referendum to be conducted at the 2022 general election. The bill provides that the initial term of the elected superintendent will begin with the 2024 general election.

The Economic Impact Statement filed with the bill indicates that the bill is revenue neutral and the placement of the question on the ballot is not anticipated to increase the costs that the supervisor of elections will incur in conducting the 2022 general election.

# 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 must have a superintendent of schools.<sup>2</sup> The superintendent may be elected for a four-year term or, if provided by resolution of the school district board or special act approved in a referendum, selected by the school board.<sup>3</sup> The election of a superintendent may only occur at a general election in years that are multiples of four.<sup>4</sup> The term of the superintendent begins on the second Tuesday following the general election in which the superintendent is elected.<sup>5</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>6</sup> After that four-year period, the resolution or special act may be rescinded or repealed either by a subsequent resolution of the school board, or subsequent special act, approved by the voters.<sup>7</sup>

Of Florida's 67 school districts,<sup>8</sup> 27 districts have a board appointed superintendent and 40 have an elected superintendent.<sup>9</sup>

The superintendent serves as the secretary and executive officer of the school district.<sup>10</sup> The superintendent possesses 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 ensure 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>11</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 an emergency;
- Maintaining the official records of the school district, including an inventory of district property;

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

<sup>5</sup> S. 100.041(3)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Art. IX, s. 5, Fla. Const.

<sup>8</sup> Each county constitutes a school district. Art. IX, s. 4(a), Fla. Const.

<sup>9</sup> Florida Association of District School Superintendents, *About Superintendents*, <https://fadss.org/membership/superintendents> (last visited Jan. 14, 2022).

<sup>10</sup> S. 1001.48, F.S.

<sup>11</sup> S. 1001.49, F.S.

- Preparing a planned school program for the school district that 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;
- Making recommendations concerning textbooks and other instructional aids, including distributing and accounting for such material;
- Providing student transportation;
- The educational facilities of the district;
- 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>12</sup>

The superintendent must be a resident of the school district.<sup>13</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>14</sup>

### School Board of Lee County

The School Board of Lee County (School Board) consists of seven members each of whom are constitutional officers elected by the citizens of Lee County. Five members are elected by voters in single member districts, with two members elected at large by a countywide vote. Each member elected from a single member district must reside in that district throughout the duration of the term of office.<sup>15</sup>

In 1974, the School Board adopted a resolution to change the position of the Lee County Superintendent of Schools (Superintendent) from an elected position to an appointed one, and submitted the resolution to the Board of County Commissioners for placement before the voters at the November 1974 general election.<sup>16</sup> The resolution was approved by the electorate at the November 5, 1974 election.

The School Board is required to evaluate the performance of the Superintendent on terms agreed to in the employment contract. The evaluation rates the Superintendent's performance in each of the Board's essential categories.<sup>17</sup>

### **Effect of the Bill**

The bill repeals the School Board of Lee County resolution providing for an appointed superintendent and provides for an elected superintendent, subject to approval by the qualified electors in a referendum to be conducted at the 2022 general election. If approved by the qualified electors, the initial term of the elected superintendent will begin with the 2024 general election.

The referendum election must be conducted by the Supervisor of Elections of Lee County in accordance with the Florida Election Code.

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<sup>12</sup> S. 1001.51, F.S.

<sup>13</sup> S. 1001.463, F.S.

<sup>14</sup> S. 1001.47, F.S.

<sup>15</sup> The School Board of Lee County Board Policies, section 1.02, available at <https://www.leeschools.net/common/pages/DisplayFile.aspx?itemId=1493176> (last visited Jan. 14, 2022).

<sup>16</sup> School Board of Lee County resolution dated June 12, 1974, on file with the Local Administration & Veterans Affairs Subcommittee. See also Lee County Board of County Commissioners Minutes of Meeting August 28, 1974, on file with the Local Administration & Veterans Affairs Subcommittee.

<sup>17</sup> The School Board of Lee County Board Policies, section 1.16, available at <https://www.leeschools.net/common/pages/DisplayFile.aspx?itemId=1493204> (last visited Jan. 14, 2022), <https://go.boarddocs.com/fl/hem/Board.nsf/Public?open&id=welcome#> (last visited March 5, 2021).

The Economic Impact Statement filed with the bill indicates that the bill is revenue neutral and the placement of the question on the ballot is not anticipated to increase the costs that the supervisor of elections will incur in conducting the 2022 general election.

**B. SECTION DIRECTORY:**

- Section 1. Provides legislative findings.
- Section 2. Repeals the School Board of Lee County resolution which provides for an appointed superintendent of schools and instead requires the superintendent be elected.
- Section 3. Provides for a referendum on November 8, 2022.
- Section 4. Provides that the bill takes effect upon its approval by a majority vote of the qualified electors of Lee County voting in a referendum conducted in accordance with the provisions of law relating to elections currently in force, except section 3 and section 4 shall take effect upon becoming law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? Not applicable.

WHERE? Not applicable.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? November 8, 2022.

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 neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.