

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 411 District School Board Elections

**SPONSOR(S):** Steele and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 444

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Ethics, Elections & Open Government Subcommittee	14 Y, 4 N	Skinner	Toliver
2) Choice & Innovation Subcommittee	12 Y, 5 N	Wolff	Sleap
3) State Affairs Committee	13 Y, 4 N	Skinner	Williamson

### SUMMARY ANALYSIS

Pursuant to the Florida Constitution, each county constitutes a school district. In Florida, there are 67 school districts, corresponding with the 67 counties in the state. Each school district must have a school board composed of five or more members chosen by vote of the electors in a nonpartisan election for staggered terms of four years. School boards operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits, along with other powers and duties prescribed by law.

Each candidate for district school board must be a resident of the district school board member residence area to which the candidate seeks election at the time she or he qualifies. Candidates for district school board qualify with her or his respective supervisor of elections no earlier than noon of the 71<sup>st</sup> day, and no later than noon of the 67<sup>th</sup> day, before the primary election. Each candidate who qualifies to have her or his name placed on the ballot must be listed according to the district school board member residence area in which she or he resides.

The bill requires an elected candidate for district school board member to reside in the district school board member residence area by the date she or he assumes office instead of upon qualifying for such office. The bill also requires that each candidate who qualifies to have her or his name placed on the ballot must be listed according to the district school board member residence area in which she or he is a candidate, rather than the residence area in which she or he currently resides.

The bill does not appear to impact state or local government revenues or expenditures.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### District School Boards

Pursuant to the Florida Constitution, each county constitutes a school district.<sup>1</sup> In Florida, there are 67 school districts, corresponding with the 67 counties in the state.<sup>2</sup> Each school district must have a school board composed of five or more members.<sup>3</sup> The school boards operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits.<sup>4</sup> The powers and duties of district school boards are further prescribed by law.<sup>5</sup>

##### *Elections*

District school board members are chosen by a vote of the electors in a nonpartisan election for staggered terms of four years.<sup>6</sup> For the purpose of electing district school board members, each school district is divided into at least five district school board member residence areas, which must be numbered one to five and must be, as nearly as practicable, equal in population.<sup>7</sup> For districts with more than five district 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>8</sup>

District school board members can be elected by either district-wide election or a single-member district election.<sup>9</sup> In a district-wide election, all qualified electors in the district are entitled to vote for one candidate from each district school board member residence area.<sup>10</sup> The candidate from each district school board member residence area who receives the highest number of votes in the general election is elected to the district school board.<sup>11</sup> In school districts with single-member representation, candidates for district school board member are elected only by qualified electors who reside in a specific residence area.<sup>12</sup>

##### *Residency Requirement and Qualifying*

A candidate for district school board must be a resident of the district school board residence area to which the candidate seeks election at the time she or he qualifies.<sup>13</sup> Candidates for district school board

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<sup>1</sup> Article IX, s. 4(a), FLA. CONST.; s. 1001.30, F.S. However, the Florida Constitution provides two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district.

<sup>2</sup> Florida Department of Education, *Public Schools/Districts*, [https://web03.fldoe.org/Schools/schoolmap\\_text.asp](https://web03.fldoe.org/Schools/schoolmap_text.asp) (last visited Feb. 20, 2023). The Florida School for the Deaf and Blind, the Florida Virtual School, and the university laboratory schools are considered independent school districts but their governing boards are not elected.

<sup>3</sup> Article IX, s. 4(a), FLA. CONST.

<sup>4</sup> Article IX, s. 4(b), FLA. CONST.

<sup>5</sup> Sections 1001.41 and 1001.42, F.S.

<sup>6</sup> Article IX, s. 4(a), FLA. CONST.; *see also* ss. 1001.361 and 105.031(1), F.S.

<sup>7</sup> Section 1001.36(1), F.S.

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

<sup>9</sup> Sections 1001.361 and 1001.362, F.S. In 41 school districts, schoolboard members are elected by a district-wide vote of electors. In 21 school districts, schoolboard members are elected by a vote of the electors within their residence area (single member district election). In five 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. Florida School Board Association, *School Board & Superintendent Elections & Composition* (Jan. 3, 2019), available at <https://fsba.org/wp-content/uploads/2019/02/School-Board-Superintendent-Elections-Composition.pdf>. (last visited March 5, 2023).

<sup>10</sup> Section 1001.361, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 1001.362(2)(b), F.S.

<sup>13</sup> Section 1001.361, F.S.

must qualify to run for office with the supervisor of elections (supervisor) in their respective district.<sup>14</sup> Such candidates must qualify no earlier than noon of the 71<sup>st</sup> day, and no later than noon of the 67<sup>th</sup> day, before the primary election.<sup>15</sup> School board member candidates must, during the time for qualifying, pay to the respective supervisor a qualifying fee, which consists of a filing fee<sup>16</sup> and an election assessment,<sup>17</sup> or qualify by the petition process.<sup>18</sup> A candidate qualifying by the petition process<sup>19</sup> is not required to pay the qualifying fee.<sup>20</sup> All candidates for school board member must subscribe to a candidate oath and a loyalty oath, make a full and public disclosure of financial interests, and appoint a campaign treasurer and designate a campaign depository.<sup>21</sup>

Each candidate who qualifies to have her or his name placed on the ballot must be listed according to the district school board member residence area in which she or he currently resides.<sup>22</sup>

### Residency Requirements for State and County Offices

Current law requires candidates for state and county offices to be residents of the district they represent at certain times. The chart below summarizes the time at which candidates for specified offices must establish residency:

Office	Time at which Residency must be established
State senator	At the time of election <sup>23</sup>
State representative	At the time of election <sup>24</sup>
County commissioner	At the time of election <sup>25</sup>
County constitutional officer (i.e. sheriff, tax collector, supervisor of elections, property appraiser, clerk of the circuit court)	At the time of assuming office <sup>26</sup>
District school board member	At the time of qualifying <sup>27</sup>

### **Effect of the Bill**

The bill requires that an elected candidate for district school board member reside in the district school board residence area to which she or he is elected by the date she or he assumes office, instead of upon qualifying for such office. The bill also requires that each candidate who qualifies to have her or his name placed on the ballot must be listed according to the district school board member residence area in which she or he is a candidate, rather than according to the district school board member residence area in which she or he resides.

### **B. SECTION DIRECTORY:**

Section 1 amends s. 1001.361, F.S., relating to the election of district school boards by districtwide vote.

Section 2 provides an effective date of July 1, 2023.

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

<sup>15</sup> *Id.*

<sup>16</sup> The amount of the filing fee is three percent of the annual salary of the office sought. *See* s. 105.031(3), F.S.

<sup>17</sup> The amount of the election assessment is one percent of the annual salary of the office sought. *See* s. 105.031(3), F.S.

<sup>18</sup> Section 105.031(3), F.S.

<sup>19</sup> *See* s. 105.035, F.S., for information regarding such petition process.

<sup>20</sup> Section 105.035(1), F.S.

<sup>21</sup> Section 105.031(5), F.S.

<sup>22</sup> Section 1001.361, F.S.

<sup>23</sup> Article III, s. 15(c), FLA. CONST.; *see also* Division of Elections, FAQ – Candidates,

<https://dos.myflorida.com/elections/contacts/frequently-asked-questions/faq-candidates/> (last visited March 6, 2023).

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

<sup>25</sup> Article VIII, s. 1(e), FLA. CONST.; *see also* *State v. Grassi*, 532 So.2d 1055 (Fla. 1988).

<sup>26</sup> DE 94-04, Division of Elections Advisory Opinion (March 3, 1994).

<sup>27</sup> Section 1001.361, F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.