

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 773 Hernando County School District, Hernando County  
**SPONSOR(S):** Local Administration, Federal Affairs & Special Districts Subcommittee, Holcomb  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	16 Y, 0 N, As CS	Roy	Darden
2) Choice & Innovation Subcommittee	14 Y, 3 N	Suppiah	Sleap
3) State Affairs Committee	14 Y, 2 N	Roy	Williamson

### 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 district school board or special act and 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 Hernando County adopted a resolution to change the position of the Hernando County Superintendent of Schools from an elected position to an appointed one. The resolution was approved by the electorate at the March 10, 1992, presidential preference primary.

The bill repeals the School Board of Hernando County resolution providing for an appointed superintendent and provides for an elected superintendent, subject to approval in a referendum to be conducted at the 2024 primary election. The bill provides that the initial term of the elected superintendent begins with the 2028 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 2024 primary 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 district school 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, 29 districts have a board appointed superintendent and 38 have an elected superintendent.<sup>8</sup>

The superintendent serves as the secretary and executive officer of the school district.<sup>9</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>10</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> Florida Association of District School Superintendents, About Superintendents, <https://fadss.org/membership/superintendents> (last visited Mar. 15, 2023). Lee County currently has an appointed superintendent, but an elected superintendent will take office after the 2024 general election. See Ch. 2022-233, Laws of Fla. (providing for an elected superintendent for Lee County, subject to voter approval in a referendum) and Lee Cnty. Supervisor of Elections, Official Election Results Summary for the General Election November 8, 2022, [available at https://www.lee.vote/Election-Results/Archived-Election-Results#2022](https://www.lee.vote/Election-Results/Archived-Election-Results#2022) (last visited Mar. 15, 2023).

<sup>9</sup> S. 1001.48, F.S.

<sup>10</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>11</sup>

While serving as superintendent, an individual must be a resident of the school district.<sup>12</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>13</sup>

### Hernando County School Board

The Hernando County School Board consists of five members. Each member is required to reside within the district from which he or she is elected.<sup>14</sup>

In 1991, the Board adopted a resolution to change the position of the Hernando County Superintendent of Schools from an elected position to an appointed one, and submitted the resolution to the Board of County Commissioners for placement before the voters.<sup>15</sup> The resolution was approved by the electorate at the March 10, 1992, presidential preference primary.

The Board must annually evaluate the performance of the superintendent. The evaluation must include the progress toward the educational goals of the district, and the working relationship between the Board and the superintendent.<sup>16</sup>

Whenever the position of superintendent is vacant, the Board must actively seek the best qualified and most capable candidate for the position. The Board may be aided in the task by professional consultants, the out-going superintendent, and the participation of members of the community.<sup>17</sup>

### Referendum Process

The Florida Election Code provides the general requirements for a referendum.<sup>18</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>19</sup> The ballot summary should explain the purpose of the measure and may not exceed 75 words.<sup>20</sup> The ballot summary and title must be included in the resolution or ordinance calling for the referendum.<sup>21</sup>

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<sup>11</sup> S. 1001.51, F.S.

<sup>12</sup> S. 1001.463, F.S.

<sup>13</sup> S. 1001.47, F.S.

<sup>14</sup> S. 1001.34(1), F.S.

<sup>15</sup> Hernando County Board of County Commissioners Resolution 91-183.

<sup>16</sup> Hernando Cnty. Sch. Dist., School Board Policy Manual, Administration, s. 1040,

<https://go.boarddocs.com/fl/hern/Board.nsf/Public?open&id=welcome#> (last visited Mar. 15, 2023) (hereinafter School Board Policy Manual).

<sup>17</sup> School Board Policy Manual, s. 1020.

<sup>18</sup> S. 101.161, F.S.

<sup>19</sup> S. 101.161(1), F.S.

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

<sup>21</sup> *Id.*

## Effect of Proposed Changes

The bill repeals the School Board of Hernando County resolution providing for an appointed superintendent and the bill provides for an elected superintendent, subject to approval by the qualified electors in a referendum to be conducted at the 2024 primary election. If approved by the qualified electors, the initial term of the elected superintendent begins with the 2028 general election.

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

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 2024 primary election.

### B. SECTION DIRECTORY:

Section 1: Provides legislative findings.

Section 2: Repeals the School Board of Hernando County resolution which provides for an appointed superintendent of schools and instead requires the superintendent be elected.

Section 3: Provides for a referendum during the 2024 primary election.

Section 4: Provides that the bill takes effect upon becoming a law, except that section 2 only takes effect upon its approval by a majority vote of the qualified electors of Hernando County voting in a referendum conducted in accordance with the provisions of law relating to elections currently in force.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 9, 2022

WHERE? The Hernando Sun, a weekly newspaper of general circulation published in Hernando County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? August 20, 2024

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**

On March 10, 2023, the Local Administration, Federal Affairs & Special Districts Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment changed the date of the first election for the Hernando County Superintendent of Schools, subject to voter approval of the referendum, to the 2028 general election.

This analysis is drafted to the committee substitute as passed by the Local Administration, Federal Affairs & Special Districts Subcommittee.