

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1079 City of Jacksonville, Duval County

**SPONSOR(S):** Fischer

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration Subcommittee		Darden	Miller
2) PreK-12 Innovation Subcommittee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

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

The charter for the consolidated government of the City of Jacksonville establishes the Duval County School Board and tasks the board with selecting "a person with experience in school management and supervision" to serve as superintendent of schools.

The bill would amend the charter for the consolidated government of the City of Jacksonville to provide an elected superintendent of schools for Duval County, subject to approval in a referendum to be conducted at the 2020 general election. The bill provides that the initial term of the elected superintendent shall begin with the 2022 general election and that any person who serves two consecutive full terms as superintendent is not eligible for election in the succeeding term. The bill also contains provisions related to the transition to an elected superintendent if the charter amendment is approved.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Superintendent of Schools

The Florida Constitution provides that each school district shall have a superintendent of schools.<sup>1</sup> The superintendent may be elected for a four-term term or, if provided by resolution or special act approved in a referendum, selected by the school board. If a resolution or special act providing for the selection of the superintendent by the school board is approved by the voters, the resolution or special act may not be rescinded or repealed by either method for four years. The election of a superintendent may only occur at a general election in years that are multiples of four.<sup>2</sup> The term of the superintendent begins on the second Tuesday following the general election in which the superintendent is elected.<sup>3</sup>

The superintendent serves as the secretary and executive officer of the school district.<sup>4</sup> The superintendent possess general powers to:<sup>5</sup>

- 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 and ensuring the execution of the rules adopted;
- Make recommendations on minimum standards and ensure adopted standards of the school board and State Board of Education are executed; and
- Perform other duties assigned by law or rules of the State Board of Education.

The superintendent is also responsible for:<sup>6</sup>

- Presiding at the organizational meeting for the school district and submitting required documentation to the Department of Education;
- Attending the school board's regular meetings and calling special meetings in event of emergency;
- Maintaining the official records of the school district, including an inventory of district property;
- Preparing plans for the school district, incorporating data and sponsor studies and surveys;
- Recommending the establishment, organization, and operation of such schools, classes, and services;
- Managing school district personnel;
- Making recommendations concerning textbooks and other instructional aids;
- Making determinations concerning student transportation under s. 1006.21, F.S.;
- Making recommendations and executing all phases of the school plant program;
- Managing the finances of the school district;
- Being a custodian of required records and reports;
- Managing coordination with federal, state, county, or municipal agencies;
- Recommending the revocation of teaching certificates for good cause; and
- Assisting the school board in providing information to the public about educational programs, needs, and objectives of public education within the district.

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<sup>1</sup> Art. IX, s. 5, Fla. Const.

<sup>2</sup> Art. IX, s. 5, Fla. Const. and s. 100.041(1), F.S.

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

<sup>4</sup> S. 1001.48, F.S.

<sup>5</sup> S. 1001.49, F.S.

<sup>6</sup> S. 1001.51, F.S.

The superintendent must be a resident of the school district.<sup>7</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>8</sup>

### Duval County School Board (Consolidated Government of the City of Jacksonville)

The charter for the consolidated government of the City of Jacksonville was approved by the voters in 1967 and readopted in 1992.<sup>9</sup> The charter consolidated the county government of Duval County, the municipal government of the City of Jacksonville, and several special districts.<sup>10</sup> The consolidated government has all powers of a chartered county government, as well as the powers of a municipality (except within the boundaries of the municipalities of Jacksonville Beach, Atlantic Beach, Neptune Beach, and Baldwin).<sup>11</sup>

The Duval County School Board (Board) is a part of the charter government.<sup>12</sup> The Board is comprised of seven members, elected from districts composed of two adjoining city council districts.<sup>13</sup> Members must be current electors and residents of the district from which they are elected and have been an elector and resident for at least 183 consecutive days immediately before the date on which the member qualifies to run for the office.<sup>14</sup> Members may not be public employees or hold another public office.<sup>15</sup>

The Board is responsible for selecting “a person with experience in school management and supervision” to serve as superintendent of schools.<sup>16</sup> The superintendent has the powers and duties granted by general law, special act, and those adopted by the Board.

### Referendum Process

The Florida Election Code provides the general requirements for a referendum.<sup>17</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>18</sup> The ballot summary should explain the chief purpose of the measure and may not exceed 75 words.<sup>19</sup> The ballot summary and title must be included in the resolution or ordinance calling for the referendum.<sup>20</sup>

### Effect of Proposed Changes

The bill amends the charter for the consolidated government of the City of Jacksonville to provide an elected superintendent of schools for Duval County. The bill provides that the initial term of the elected superintendent shall begin with the 2022 general election and that any person who serves two consecutive full terms as superintendent is not eligible for election in the succeeding term. The bill states that the election of the superintendent shall be governed by general law concerning the election of county officers.

The bill provides that the charter amendment will only become effective upon approval by Duval County voters in a referendum to be held during the 2020 general election. The bill requires the supervisor of

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<sup>7</sup> S. 1001.463, F.S.

<sup>8</sup> S. 1001.47, F.S.

<sup>9</sup> Chs. 67-1320, 92-341, Laws of Fla.

<sup>10</sup> Art. I, s. 1.01(a), Charter of the City of Jacksonville, as codified by ch. 92-341, s. 1, Laws of Fla. (hereinafter Charter of the City of Jacksonville).

<sup>11</sup> Art. 1, s. 1.01(b), Charter of the City of Jacksonville.

<sup>12</sup> Art. 13, Charter of the City of Jacksonville.

<sup>13</sup> Art. 13, s. 13.02, Charter of the City of Jacksonville.

<sup>14</sup> Art. 13, s. 13.04, Charter of the City of Jacksonville.

<sup>15</sup> The charter provides an except for members of the military, federal employees, and federal officeholders.

<sup>16</sup> Art. 13, s. 13.07, Charter of the City of Jacksonville.

<sup>17</sup> S. 101.161, F.S.

<sup>18</sup> S. 101.161(1), F.S.

<sup>19</sup> *Id.*

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

elections to give notice of the referendum at least twice in the 30 days preceding the election in a daily newspaper of general circulation in Duval County, including at least once in the fifth week and once in the third week prior to the week in which the election is to be held.

The bill provides a ballot title and referendum question and requires the Duval County Supervisor of Elections to certify the election results in accordance with general law.

The bill provides that the superintendent in office at the time the amendment takes effect shall remain in office until the 2022 general election, subject to removal and replacement under the terms of any contract between the superintendent and the school board. This provision would also apply to any successor appointed in event of a vacancy between the time the charter amendment takes effect and the 2022 general election.

**B. SECTION DIRECTORY:**

- Section 1: Amends ch. 92-341, Laws of Fla., as amended, to provide for an elected superintendent of schools in Duval County.
- Section 2: Provides for a referendum election to be held during the 2020 general election and sets requirements for the referendum.
- Section 3: Provides for notice of a referendum election.
- Section 4: Provides an official title and ballot question for the referendum election.
- Section 5: Provides for the certification of referendum results.
- Section 6: Provides for the initial term of the superintendent if the referendum is approved.
- Section 7: Provides holdover provisions for the current superintendent in the referendum is approved.
- Section 8: Providing that the bill shall take effect upon becoming a law, except that section 1 shall only take effect upon approval by a majority vote of the qualified electors in the referendum provided in the act.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 15, 2019

WHERE? The *Jacksonville Daily Record*, a daily newspaper published in Duval County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? November 3, 2020

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

The bill provides for a referendum to amend the charter of the City of Jacksonville to require the election of the superintendent of schools for an initial term beginning with the 2022 general election. Article IX, section 5 of the Florida Constitution, however, requires that the superintendent of schools be elected at a general election in each year which is a multiple of four.

**B. RULE-MAKING AUTHORITY:**

The bill does not provide rulemaking authority or require executive branch rulemaking.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**