

**Constitution Revision Commission
Local Government Committee
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 33

Relating to: EDUCATION, Superintendent of schools; SCHEDULE, creates new section

Introducer(s): Commissioner Donalds

Article/Section affected: Article IX, Section 5

Date: December 11, 2017

	REFERENCE	ACTION
1.	ED	Favorable
2.	LO	Pre-meeting
3.		

I. SUMMARY:

The proposal revises section 5 of Article IX to require that the superintendent of schools of a school district be appointed by the district school board rather than elected. The proposal provides an effective date of November 17, 2020.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 5 of Article IX of the Florida Constitution requires that the superintendent must be elected at the general election in each year that is a multiple of four for a term of four years; or, when provided by resolution of the district school board, or by special law, approved by vote of the electors, the district school superintendent shall be employed by the district school board as provided by general law.

Appointed District School Superintendent

Of the 67 superintendents in Florida, 26 are appointed by the district school board.¹ This includes the following school districts: Alachua, Brevard, Broward, Charlotte, Collier, Dade, Duval, Flagler, Hernando, Hillsborough, Indian River, Lake, Lee, Manatee, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, St. Johns, St. Lucie, Sarasota, Seminole, and Volusia.

¹ See list of Superintendent provided by Florida Department of Education <http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.stml> (last visited 11/21/17).

Section 1001.461, F.S., provides procedures for making the office appointive, wherein the proposition is affirmed by a majority of the qualified electors voting in the same election making the office of superintendent appointive. After four years, any district adopting the appointive method may return to its former status by following the same procedures outlined in Section 1001.461(2), F.S., for adopting the appointive office.

A 2003 report by the Tennessee legislature notes that “Electing superintendents occurs only in the South and is becoming increasingly rare. Only four other states have any elected superintendents: Alabama, Florida, Mississippi, and South Carolina. In 1992, 341 of the nation’s 15,000 district superintendents were elected; by September 2000, only 154 were elected.”²

Elected District School Superintendent

Currently of the 67 superintendents in Florida, 41 are elected.³ Section 1001.46, F.S., provides that the district school superintendent shall be elected for a term of 4 years or until the election or appointment and qualification of his or her successor. Currently, the only qualification for the position is that the person must not be convicted of a felony or be adjudicated mentally incompetent, and must live in the school district they wish to represent.⁴

B. EFFECT OF PROPOSED CHANGES:

The proposal revises section 5 of Article IX of the Florida Constitution to mandate that all district superintends be appointed by the district school board. This would impact the current 41 districts with elected superintendents by requiring that the position of superintendent be appointed by the school board rather than elected.

If adopted, the proposal will supersede current law and require changes to Sections 1001.46 and 1001.461, F.S., to align with the constitutional amendment.

The impact to the education system is largely indeterminate.

This proposal will modify the salary structure for elected superintendents. Section 1001.47, F.S., sets the base salaries for elected superintendents; there is no such law for appointed superintendents. The salary for appointed superintendents will be established by the district school board.

² *Elected v. Appointed Superintendent: Questions and Answers: A Legislative Briefing Paper*, John G. Morgan, Comptroller of the Treasury, Office of Education Accountability, State of Tennessee, pg. 17, 11/03.

<http://www.comptroller.tn.gov/Repository/RE/superintendents.pdf> (last visited 11/21/17).

³ See list of Superintendent provided by Florida Department of Education <http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.shtml> (last visited 11/21/17).

⁴ Section 4, Article VI. Florida Constitution

The proposal removes the requirement to be bound by election year and thus a term of four years. This change will allow each school board to appoint a superintendent for a period of time based on the agreed upon contract. The removal of an appointed superintendent will be at the approval of the district school board as opposed to voters during an election year.

If adopted by the Constitution Revision Commission, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election (November 6, 2018). If approved by the voters, the amendment takes effect on November 17, 2020. As a result, any superintendents that had been elected after the 2016 election cycle will be impacted.

C. FISCAL IMPACT:

Indeterminate.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.