

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB1841 CS PCB CI 05-04 Special Election
SPONSOR(S): Choice & Innovation Committee
TIED BILLS: HJR 1843 **IDEN./SIM. BILLS:** SB 2088

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Choice & Innovation Committee	5 Y, 2 N	Hassell	Aldis
1) Transportation & Economic Development Appropriations Committee	13 Y, 6 N, w/CS	Darity	Gordon
2) Education Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill authorizes a special election to be held on February 7, 2006, for the purpose of submitting House Joint Resolution 1843 to the voters of Florida for approval or rejection. The bill requires that publication of notice be in accordance with the rules specified in the Florida Constitution.

House Joint Resolution 1843 proposes to revise the Constitution's class size requirements to require that beginning in the 2007 school year there are to be a sufficient number of classrooms so that the district average number of students assigned to a teacher teaching in a public school classroom does not exceed the maximum required by the Constitution. Also, the joint resolution provides that the minimum salary for each public school teacher be no less \$35,000 and must be higher than the national average beginning pay, as provided by law.

If the amendment proposed by the joint resolution is approved by the electors at the special election on February 7, 2006, the amendment proposed by the joint resolution would take effect on July 1, 2006.

The bill appropriates \$19,450,000 from the General Revenue Fund to the Department of State to implement the requirements of the bill.

Since the bill provides that the proposed revision of the Constitution be submitted to the electors at a special election, it must be adopted by a three-fourths vote of each house of the Legislature.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Special Election

An amendment of a section or revision of one or more articles, or the whole, of the Florida Constitution may be proposed by joint resolution agreed to by three-fourths of the membership of each house of the legislature.¹ A proposed amendment to or revision of the Florida Constitution may be submitted to the electors at the next general election held more than ninety days after the joint resolution is filed with the Secretary of State who is the custodian of state records.²

The Florida Constitution also authorizes that a proposed amendment to or revision of the Florida Constitution be submitted to the electors at an earlier special election provided that the law is adopted by three-fourths affirmative vote of each house and is limited to a single amendment or revision, and that the date for the earlier election is more than ninety days after the proposed amendment or revision is filed with Secretary of State.³

The Florida Constitution provides notice requirements for the publication of the election. The proposed amendment or revision must be published in one newspaper of general circulation in each county in which a newspaper is published, and the notice must provide the electors with the date of the election at which it will be submitted to the electors. The notice must be published in the tenth week and once in the sixth week immediately preceding the week in which the election is held.⁴

The Florida Constitution provides that if the proposed amendment or revision is approved by the vote of electors, it is effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.⁵

Effect of Bill

The bill authorizes a special election to be held on February 7, 2006, for the purpose of submitting House Joint Resolution 1843, to the electors of Florida for approval or rejection. Additionally, the bill requires that publication of notice be in accordance to the rules specified in the Florida Constitution.

The amendment proposed by the joint resolution specifically provides for an effective date of July 1 following approval by the electors. Therefore, if the amendment proposed by the joint resolution is approved by the electors at the special election on February 7, 2006, the amendment proposed by the joint resolution would take effect on July 1, 2006.

The amendment proposed by the joint resolution revises the Constitution's class size requirements to require that beginning in the 2007 school year there are to be a sufficient number of classrooms so that the district average number of students assigned to a teacher teaching in a public school classroom

¹ See Article XI, s. 1, Fla. Const.

² See Art. XI, s. 5(a), Fla. Const.

³ *Id.*

⁴ See Art. XI, s. 5(c), Fla. Const.

⁵ See Art. XI, s. 5(e) Fla. Const.

does not exceed the maximum required by the Constitution. The district average maximum number of students who are assigned to each teacher who is teaching in a public school classroom may not exceed the following:

- Prekindergarten through grade 3 the district average may not exceed 18;
- Grades 4 through 8 the district average may not exceed 22; and
- Grades 9 through 12 the district average may not exceed 25.

The joint resolution also provides that the minimum salary for each public school teacher is to be no less \$35,000 and must be higher than the national average beginning pay, as provided by law.

The bill appropriates \$19,450,000 from the General Revenue Fund to the Department of State to implement the requirements of the bill.

Since this bill provides that the proposed revision of the Constitution be submitted to the electors at a special election, it must be adopted by a three-fourths vote of each house of the Legislature.

The bill takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1. Requires a special election on February 7, 2006, relating to maximum class sizes and teacher salaries.

Section 2. Requires publication of notice for the special election.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state government revenues.

2. Expenditures:

The Department of State conducted an unverified survey of the Supervisor of Elections of the 67 counties to determine the approximate fiscal impact associated with conducting a special election in 2005.⁶ According to the surveys from the 67 counties, the estimated cost of a special election is \$19,450,000. The bill appropriates \$19,450,000 from the General Revenue Fund to the Department of State to implement the requirements of the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

⁶ It is likely that costs for a special election in 2006 would be similar.

None.

D. FISCAL COMMENTS:

The bill will have fiscal impact related to the costs of conducting the special election. The estimated cost is \$19,450,000 based on responses received from the Supervisor of Elections. The bill appropriates \$19,450,000 from the General Revenue Fund to the Department of State to implement the requirements of the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

The Florida Constitution requires that a legislatively-authorized special election on a proposed constitutional amendment or revision must occur more than 90 days after the amendment or revision is filed with the Secretary of State.

B. RULE-MAKING AUTHORITY:

The bill does not raise the need for rules or rulemaking authority or direct an agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 19, 2005, the Transportation and Economic Development Appropriations Committee adopted one amendment appropriating \$19,450,000 from the General Revenue Fund to the Department of State to implement the requirements of the bill.