

**Constitution Revision Commission  
Education Committee  
Proposal Analysis**

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

Proposal #: P 32

Relating to: EDUCATION, State board of education; School districts; school boards; State University System

Introducer(s): Commissioner Donalds

Article/Section affected:

Date: November 22, 2017

	REFERENCE	ACTION
1.	ED	<u>Pre-meeting</u>
2.	LO	_____

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**I. SUMMARY:**

This proposal revises sections 2, 4, and 7 of Article IX of the Florida Constitution to mandate that members of specific boards of education (state board of education, members of district school boards, members of state university boards of trustees, and members of the board of governors) serve without compensation. The proposal allows for members of these boards to be reimbursed for travel and per diem expenses in accordance with state law.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

Florida law prohibits compensation for all board members listed in the proposal except for district school board members. Section 5 of Article II of the Florida Constitution allows for the compensation of county officers (including school board members) to be established in law. Section 4 of Article IX of the Florida Constitution provides that each school board must consist of at five members.

School Board Member Salary Calculation

Section 1001.395(1), F.S., provides that each member of a district school board shall receive a base salary, based on the population of the county the district school board member serves, with additional compensation added to the base salary for population increments over the minimum for each population group identified in the statute. In addition to the salary provided in s. 1001.395, F.S., each member of a district school

board shall be allowed, from the district school fund, reimbursement of travel expenses as authorized in s. 112.061, Florida Statutes. Section 1001.43(10), F.S., provides that the district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including member compensation and reimbursement for expenses.

According to the 2017-18 Salaries of Elected County Constitutional Officers and School District Officials<sup>1</sup>, school board member salaries currently range from \$25,413 (Lafayette) to \$44,443 (Broward, Dade, Hillsborough, Orange and Palm Beach), with a statewide average salary of \$34,049. In addition to annual salaries, school board members receive compensation in the form of benefits, averaging an estimated \$19,575 per school board member based on 2016-17 fiscal year data.

### Current Education Board Compensation Limits in Florida Statutes

Florida law provides that members of the State Board of Education,<sup>2</sup> university boards of trustees,<sup>3</sup> the Board of Governors,<sup>4</sup> and college boards of trustees<sup>5</sup> serve without compensation. The members of these boards may be reimbursed for travel expenses in accordance with s. 112.061, Florida Statutes.

## **B. EFFECT OF PROPOSED CHANGES:**

The proposal revises sections 2, 4, and 7 of Article IX of the Florida Constitution to mandate that members of the State Board of Education, district school boards, state university boards of trustees, and Board of Governors serve without compensation. The proposal allows for members of these boards to be reimbursed for travel and per diem expenses in accordance with state law.

The proposal does not affect members of the State Board of Education, the Board of Governors, or college and university trustees since current law prohibits compensation for these positions other than travel reimbursement.

School board member salaries are calculated by a formula established by law<sup>6</sup> and school districts provide funding to compensate the school board members. If adopted, this proposal requires school board members to serve without compensation, but allows for

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<sup>1</sup> Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18, 09/07/17 pgs. 10-11 The Florida Legislature's Office of Economic and Demographic Research. <http://www.edr.state.fl.us/Content/local-government/reports/finsal17.pdf> (last visited 11/21/17).

<sup>2</sup> Section 1001.01(1), F.S.

<sup>3</sup> Section 1001.71(2), F.S.

<sup>4</sup> Section 1001.70(2), F.S.

<sup>5</sup> Section 1001.61(3), F.S.

<sup>6</sup> See s. 1001.395, F.S. For a complete explanation of the history and calculations of school board member salaries, *See Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18*, 09/07/17, The Florida Legislature's Office of Economic and Demographic Research. <http://www.edr.state.fl.us/Content/local-government/reports/finsal17.pdf> (last visited 11/21/17).

travel and per diem expenses to be paid. This proposal supersedes s. 1001.395, F.S., which currently governs how school board members are calculated and paid. The impact of this change on the education system is indeterminate.

**C. FISCAL IMPACT:**

The Florida Constitution provides that each district school board must consist of at least five members. The statewide board salaries total \$12,418,689, which is derived by multiplying each district's school board member salary by the number of school board members listed in the 2016-2018 School District Legislative Delegations publication. In addition to salaries, board members also receive approximately \$6,910,079 in benefits, which is estimated based on the ratio of benefits to salaries amounts provided in each district's 2016-17 Annual Financial Report.

The statewide board salaries and benefits total \$19,328,768 (\$12,418,689 salaries plus \$6,910,079 benefits). This proposal eliminates these expenditures, as the board members would no longer be compensated for their services. Because the funds would remain with the school district, they may be redirected to other educational purposes, including instruction and other support services for students.

**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:**

There may be a potential conflict with Section 5, Article II of the Florida Constitution which allows for the compensation of county officers (including school board members) to be established in law. For purposes of this analysis, compensation includes salary and benefits.

**D. Related Issues:**

None.