

Office of Superintendent of Schools  
Board Meeting of November 15, 2023

November 1, 2023

Office of the General Counsel  
Walter J. Harvey, General Counsel

**SUBJECT:** FINAL READING: PROPOSED AMENDMENT TO SCHOOL BOARD POLICY 0144, *TERM*

**COMMITTEE:** **FISCAL ACCOUNTABILITY AND GOVERNMENT RELATIONS**

**LINK TO STRATEGIC PLAN:** **EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

Policy 0144, *Term*, is proposed for amendment as a result of HB 477 (2023) and in response to Revised Board Item H5, “Alignment with HB 477,” sponsored by Board Member Steve Gallon III and approved by the Board at its regularly scheduled meeting of June 21, 2023. As Item H5 correctly notes, Board Members whose terms commence after November 8, 2022, cannot appear on a ballot for reelection if they have served—or, but for resignation, would have served—for eight (8) consecutive years. Policy 0144 is proposed for amendment to incorporate that statutory limitation and to clarify that all provisions, benefits and considerations provided to School Board members that are aligned to their terms and/or years of service may be designated or adjusted as provided by law and as deemed appropriate.

The Notice of Intended Action was published in the Miami Daily Business Review on October 16, 2023, and posted in various places for public information and mailed to various organizations representing persons affected by the adopted and amended Board policies and individuals requesting notification. The time to request a hearing or protest the adoption and amendment of these policies has elapsed.

The amendment to this Policy was reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and Policy with strikethroughs and underlines are attached.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, amend Board Policy 0144, *Term*, and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida, to be effective November 15, 2023.

**G-3**

## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 11, 2023, its intention to amend Board Policy 0144, *Term*, at its meeting of November 15, 2023.

**PURPOSE AND EFFECT:** Policy 0144, *Term*, is proposed for amendment to incorporate Board Member term limits, as set out in statute, and to clarify that Board members will receive the provisions, compensation and benefits associated with their terms in office and/or years of service.

**SUMMARY:** Policy 0144, *Term*, is proposed for amendment as a result of HB 477 (2023), which amends Florida Statutes to provide that Board Members whose terms commence after November 8, 2022, cannot appear on a ballot for reelection if they have served—or, but for resignation, would have served—for eight (8) consecutive years. The item is also amended pursuant to Board action.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** Fla. Stat. ss. 1001.32(2); 1001.41(1), (2); 1001.42(5), (6), (7), (8).

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** Fla. Stat. s. 1001.35.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF October 11, 2023, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by November 7, 2023, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	November 15, 2023- <u>Final</u> Reading
Title	TERM
Code	0144
Status	<u>Final</u> Reading

#### 0144 - **TERM**

School Board members shall be elected at the general election in November for staggered terms of four (4) years arranged so that the five (5) members from odd-numbered districts shall be elected at one general election and the four (4) members from even-numbers districts shall be elected at the next general election.

The term of office shall begin on the second Tuesday following the general election in which the member is elected.

As required by F.S. 1001.35, a person may not appear on the ballot for reelection to the office of School Board member if, by the end of their current term of office, the person will have served, or but for resignation would have served, in that office for eight (8) consecutive years. Service of a term of office which commenced before November 8, 2022, will not be counted toward this limitation.

All provisions, benefits and considerations provided to School Board members that are aligned to their terms and/or years of service may be designated or adjusted as provided by law and as deemed appropriate.

Effective 07.01.2011  
Revised 06.18.2014

© **Neola 2012**

#### Legal References:

F.S. 1001.41  
F.S. 1001.35  
F.S. 1001.371

Adoption Date: **05.11.2011**