



# Florida School Boards Association

*The voice of education in Florida.*

## Proposal 43 – School Board Member Term Limits Discussion and Key Concepts

[Proposal 43](#) – School Board Member Term Limits – Sponsored by [Erika Donalds](#)

*The proposal amends Article IX, Section 4 of the Florida Constitution. The proposal would limit school board members to two consecutive four year terms in office. The proposal provides that the service accrued by a school board member since 2015 would count toward the eight year limit. Therefore, the provisions of the proposal would be applied retroactively.*

### Key Points

- In 43 school districts, school board members are elected by a district-wide vote of electors (at-large election). In 21 school districts, school board members are elected by a vote of the electors within their residence area (single member district election). In 4 school districts, school board members are elected by a combination of single member district election and at-large election.
- Unlike the elections for all other state offices currently subject to term limits, all Florida school board elections are non-partisan.
- If the imposition of term limits is intended to encourage more competitive races and/or to reduce the power of incumbency, these problems are not evident in school board races. A review of school board election results for 2010, 2012, 2014, and 2016 (**see table below**) shows that most school board races (65%) are competitive. More important, about 41% of all school board races result in the election of a new school board member.

YEAR	S.B. SEATS UP FOR ELECTION	QUALIFIED CANDIDATES	COMPETITIVE RACES	INCUMBENTS RE-ELECTED	NEW MEMBERS ELECTED
2010	210	463	143 – 68%	126	84 – 40%
2012	159	357	102 – 64%	97	62 – 39%
2014	210	444	144 – 69%	132	78 – 37%
2016	162	347	96 – 59%	87	75 – 46%

- If the imposition of term limits is intended to encourage more competitive races and/or to reduce the power of incumbency, it does not appear to have had that effect on the elections for the Florida Legislature. Instead, term limits seem to encourage allowing a term-limited legislator to remain in office, unchallenged, until the term limit is reached.
- This proposal would apply to only one group among several similar groups of local elected officials. It seems discriminatory and punitive to single out one group to be subjected to these conditions and limitations that are not applied equally to all similar groups.
- This proposal would make fundamental changes to the conditions under which some current school board members was elected. This is unfair not only to the school board member but, more important, it is unfair to the voters who elected that board member. One must question the purpose, the appropriateness, and the legality of making the term limit partially retroactive.

- Making the term limit partially retroactive is inconsistent with the implementation of term limits in Florida and appears to be unprecedented in the implementation of term limits anywhere else in the U.S.
- The proposal fails to address how voters and candidates will transition from elections without term limits to elections in which a term limit is retroactively imposed. This gives rise to confusion and could result in denying citizens the right to vote for any candidate to fill a school board seat. To illustrate the problems this lack of transition presents, consider the case of a school board member who was first elected to office in 2014 and was fortunate enough to be re-elected in 2018. As this board member approaches the 2022 election, having accrued six years of the eight-year term limit, it is unclear which of the following scenarios will apply:
  - Would the school board member be eligible to run for re-election in 2022? If so, would he/she have to resign mid-way through that term in 2024 when the term limit is reached? Since vacancies on the school board are filled by appointment by the governor, would the governor appoint an individual to fill the unexpired term? If so, based on 2014 election data, this could result in as many as 78 appointments by the governor. This would deny local voters from being able to elect the person of their choice to fill the unexpired term and would deny potential candidates from running for election to fill the unexpired term.
  - Would the school board member be ineligible to run for re-election in 2022 because he/she has already accrued six years of the eight-year term limit and would be unable to complete the full 4-year term of office? If so, this would impose a six-year term limit, rather than an eight year term limit, on this individual.

### Discussion

Pursuant to a citizens' initiative approved by voters in the 1992 General Election. Article VI, Section 4 of the Florida Constitution was amended to impose an eight year term limit on the office of Florida Representative, Florida Senator, Florida Lieutenant Governor, or any office of the Florida Cabinet. The ballot summary specified that "no service in a term of office which commenced prior to the effective date of the amendment would be counted against the term limit.

Term limits also have been applied in a few Florida counties to a small number of local elected officials, including the members of one school board. However, the decision to impose term limits in these cases was made at the local level. In addition, it is important to note that the notion of imposing some element to retroactivity to the term limits is unprecedented in Florida and appears to be unprecedented throughout the country.