

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3137/P1dn  
MES:cjs:pg

September 17, 2003

Senator Stepp:

This bill is based on AB 473, as modified by the instructions contained in Bill Ford's September 5, 2003 memo. I have a number of questions, some of which appear as "\*\*\*\*Notes" in the text of the bill.

The first instruction specifies that various members of the joint review board be an office holder (i.e., the school board president, mayor, county executive, technical college director) or his or her designee, and further requires that if a designee is appointed, the appointing authority must "give preference" to certain people (i.e. the school district's finance director or another person with knowledge of local government finances). See created s. 66.1105 (4m) (ae).

The "give preference" language doesn't seem to have much legal effect, and I'm not sure what legal effect you intend for this paragraph to have. I don't know what it means to "require" someone to "give preference." You're not really requiring that a school board president's designee, for example, be the school district's finance director or another person with knowledge of local government finances. Under the requested language, I believe that the school board president could appoint anyone he or she wants as his or her designee. If challenged, he or she could say, "Well, I gave preference to the district's finance director, but when I weighed all the variables I decided that Jane Doe, who has no background in finance, but great political instincts, really is the better choice for our school district." Is this potential result consistent with your intent?

DOR raised a number of technical issues in a technical memo related to AB 478, the base document for this bill. You may wish to have DOR review this bill before it is redrafted.

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