

Supreme Court of Florida

THURSDAY, NOVEMBER 8, 2001

CASE NO.: SC01-2421

ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: FLORIDA'S AMENDMENT TO REDUCE CLASS SIZE

INTERLOCUTORY ORDER

Robert A. Butterworth, pursuant to the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, has requested this Court's opinion as to whether the text of the proposed amendment seeking to amend the Florida Constitution to reduce class size in public schools complies with Article XI, section 3, Florida Constitution, and whether the proposed ballot title and summary comply with section 101.161, Florida Statutes. The petition provides:

**Article IX, Section 1, Florida Constitution, is amended
to read:**

Section 1. Public Education.--

The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public

education programs that the needs of the people may require. **To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2010 school year, there are a sufficient number of classrooms so that:**

1. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;

2. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

3. The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extra-curricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the average number of students in each classroom by at least two students per year until the maximum number of students per classroom does not exceed the requirements of this subsection.

The ballot title and summary for the proposed amendment states:

Proposes an amendment to the State Constitution to require that the Legislature provide funding for sufficient classrooms so that there be a maximum number of students in public school classes for various grade levels; requires compliance by the beginning of the 2010 school year; requires the Legislature, and not local school districts, to pay for the costs associated with reduced class size; prescribes a schedule for phased-in funding to achieve the required maximum class size.

Section 16.061, Florida Statutes, requires the Attorney General, within 30 days after receipt of the proposed amendment or revision to the State Constitution by initiative petition, to petition this Honorable Court for an advisory opinion regarding compliance of the text of the proposed amendment with Article XI, section 3, Florida Constitution, and compliance of the proposed ballot title and substance with section 101.161, Florida Statutes.

The full text of the Attorney General's letter is attached hereto as an exhibit and made a part thereof.

IT IS, THEREFORE, the order of the Court that interested parties shall file their briefs on or before November 28, 2001, and serve a copy thereof on the Attorney General. Answer briefs shall be filed on or before December 18, 2001. Please file an original and seven copies of all briefs. In addition to paper briefs, per this Court's Administrative Order In Re: Mandatory Submission of Briefs on

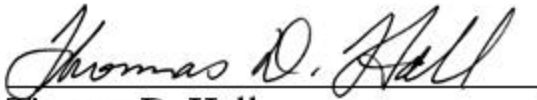
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Computer Diskette dated February 5, 1999, counsel are directed to include a copy of all briefs on a DOS formatted 3-1/2 inch diskette in Word Perfect 5.1 (or higher) format. **PLEASE LABEL ENVELOPE TO AVOID ERASURE.** Briefs submitted on diskette will be placed on the Court's Internet site (<http://www.flcourts.org>). Oral argument is scheduled for 9:00 a.m., THURSDAY, FEBRUARY 7, 2002. A maximum of twenty (20) minutes to the side is allowed for the argument. All parties who have filed a brief and have asked to be heard may, in the Court's discretion, be permitted to participate in oral argument.

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



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Served:

HON. JEB BUSH, GOVERNOR
HON. KATHERINE HARRIS
HON. JOHN MCKAY
HON. TOM FEENEY
HON. KENDRICK MEEK
HON. ROBERT A. BUTTERWORTH