

By the Committee on Election Reform and Representative
Flanagan

1 A bill to be entitled
2 An act relating to elections; amending s.
3 230.10, F.S.; providing for the election of
4 school board members in a nonpartisan election;
5 amending s. 105.031, F.S.; providing
6 requirements for qualifying for nonpartisan
7 office; requiring a statement of judicial
8 candidates relating to the Code of Judicial
9 Conduct; amending s. 105.035, F.S.; providing
10 an alternative method of qualifying for
11 nonpartisan school board candidates;
12 eliminating the requirement for an undue burden
13 oath; amending s. 105.041, F.S.; revising
14 ballot requirements for nonpartisan candidates;
15 amending s. 105.051, F.S.; relating to
16 determination of election to judicial office;
17 creating s. 105.055, F.S.; providing for
18 determination of election to the office of
19 school board member; amending s. 105.061, F.S.;
20 specifying the electors who are eligible to
21 vote for nonpartisan school board candidates;
22 amending s. 105.071, F.S., relating to
23 limitations on political activity by candidates
24 for judicial office; revising penalties;
25 amending s. 105.08, F.S.; providing for
26 reporting of contributions and expenditures for
27 nonpartisan school board candidates; amending
28 ss. 99.061, 101.141, 101.151, 101.251, 230.061,
29 and 230.105, F.S., to conform; repealing s.
30 105.09, F.S., relating to endorsement or other
31 support of judicial candidates by partisan

1 organizations; repealing s. 230.08, F.S.,
2 relating to nomination of candidates for the
3 office of school board member; amending s.
4 228.053, F.S.; correcting a cross reference;
5 providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 230.10, Florida Statutes, is
10 amended to read:

11 230.10 Election of board by districtwide vote.--The
12 election of members of the school board shall be by vote of
13 the qualified electors of the entire district in a nonpartisan
14 election. Each candidate for school board member shall, at
15 the time she or he qualifies, be a resident of the school
16 board member residence area from which the candidate seeks
17 election. Each candidate who qualifies to have her or his name
18 placed on the ballot ~~of the general election~~ shall be listed
19 according to the school board member residence area in which
20 she or he resides. Each qualified elector of the district
21 shall be entitled to vote for one candidate from each school
22 board member residence area. The candidate from each school
23 board member residence area who receives the highest number of
24 votes in the general election shall be elected to the school
25 board.

26 Section 2. Section 105.031, Florida Statutes, is
27 amended to read:

28 105.031 Qualification; filing fee; candidate's oath;
29 items required to be filed.--

30 (1) TIME OF QUALIFYING.--Nonpartisan candidates for
31 multicounty office shall qualify with the Division of

1 Elections of the Department of State, and nonpartisan
2 candidates for countywide or less than countywide office shall
3 qualify with the supervisor of elections of the county.
4 Candidates shall qualify ~~Candidates for judicial office other~~
5 ~~than the office of county court judge shall qualify with the~~
6 ~~Division of Elections of the Department of State, and~~
7 ~~candidates for the office of county court judge shall qualify~~
8 ~~with the supervisor of elections of the county,~~no earlier
9 than noon of the 50th day, and no later than noon of the 46th
10 day, before the first primary election. Filing shall be on
11 forms provided for that purpose by the Division of Elections
12 and furnished by the appropriate qualifying officer. Any
13 person seeking to qualify ~~as a candidate for circuit judge or~~
14 ~~county court judge~~ by the alternative method, as set forth in
15 s. 105.035,if the person has submitted the necessary
16 petitions by the required deadline and is notified after the
17 fifth day prior to the last day for qualifying that the
18 required number of signatures has been obtained, shall be
19 entitled to subscribe to the candidate's oath and file the
20 qualifying papers at any time within 5 days from the date he
21 or she is notified that the necessary number of signatures has
22 been obtained. Any person other than a write-in candidate who
23 qualifies within the time prescribed in this subsection shall
24 be entitled to have his or her name printed on the ballot.

25 (2) FILING IN GROUPS OR DISTRICTS.--Candidates shall
26 qualify in groups or districts where multiple ~~judicial~~ offices
27 are to be filled.

28 (3) QUALIFYING FEE.--Each candidate qualifying for
29 election to a judicial office or the office of school board
30 member, except write-in judicial candidates, shall, during the
31 time for qualifying, pay to the officer with whom he or she

1 qualifies a qualifying fee, which shall consist of a filing
2 fee and an election assessment, or qualify by the alternative
3 method. The amount of the filing fee is 3 percent of the
4 annual salary of the office sought. The amount of the election
5 assessment is 1 percent of the annual salary of the office
6 sought. The Department of State ~~qualifying officer~~ shall
7 forward all filing fees to the Department of Revenue for
8 deposit in the Elections Commission Trust ~~General Revenue~~
9 Fund. The supervisor of elections shall forward all filing
10 fees to the Elections Commission Trust Fund. The election
11 assessment shall be deposited into the Elections Commission
12 Trust Fund. The annual salary of the office for purposes of
13 computing the qualifying fee shall be computed by multiplying
14 12 times the monthly salary authorized for such office as of
15 July 1 immediately preceding the first day of qualifying.
16 This subsection shall not apply to candidates qualifying for
17 retention to judicial office.

18 (4) CANDIDATE'S OATH.--

19 (a) All candidates for the office of school board
20 member shall subscribe to the oath as prescribed in s. 99.021.

21 (b) All candidates for judicial office shall subscribe
22 to an oath or affirmation in writing to be filed with the
23 appropriate qualifying officer upon qualifying. A printed
24 copy of the oath or affirmation shall be furnished to the
25 candidate by the qualifying officer and shall be in
26 substantially the following form:

27
28 State of Florida

29 County of

30 Before me, an officer authorized to administer oaths,
31 personally appeared ...(please print name as you wish it to

1 appear on the ballot)..., to me well known, who, being sworn,
2 says he or she: is a candidate for the judicial office of
3; that his or her legal residence is County, Florida;
4 that he or she is a qualified elector of the state and of the
5 territorial jurisdiction of the court to which he or she seeks
6 election; that he or she is qualified under the constitution
7 and laws of Florida to hold the judicial office to which he or
8 she desires to be elected or in which he or she desires to be
9 retained; that he or she has taken the oath required by ss.
10 876.05-876.10, Florida Statutes; that he or she has qualified
11 for no other public office in the state, the term of which
12 office or any part thereof runs concurrent to the office he or
13 she seeks; and that he or she has resigned from any office
14 which he or she is required to resign pursuant to s. 99.012,
15 Florida Statutes.

16 ... (Signature of candidate)...

17 ... (Address)...

18
19 Sworn to and subscribed before me this day of,
20 19...., at County, Florida.

21 ... (Signature and title of officer administering oath)...

22 (5) ITEMS REQUIRED TO BE FILED.--

23 (a) In order for a candidate for judicial office or
24 the office of school board member to be qualified, the
25 following items must be received by the filing officer by the
26 end of the qualifying period:

27 1. Except for candidates for retention to judicial
28 office ~~For each candidate qualifying for the office of circuit~~
29 ~~judge or county court judge~~, a properly executed check drawn
30 upon the candidate's campaign account in an amount not less
31 than the fee required by subsection (3) or, in lieu thereof,

1 the copy of the notice of obtaining ballot position pursuant
2 to s. 105.035. If a candidate's check is returned by the bank
3 for any reason, the filing officer shall immediately notify
4 the candidate and the candidate shall, the end of qualifying
5 notwithstanding, have 48 hours from the time such notification
6 is received, excluding Saturdays, Sundays, and legal holidays,
7 to pay the fee with a cashier's check purchased from funds of
8 the campaign account. Failure to pay the fee as provided in
9 this subparagraph shall disqualify the candidate.

10 2. The candidate's oath required by subsection (4),
11 which must contain the name of the candidate as it is to
12 appear on the ballot; the office sought, including the
13 district or group number if applicable; and the signature of
14 the candidate, duly acknowledged.

15 3. The loyalty oath required by s. 876.05, signed by
16 the candidate and duly acknowledged.

17 4. The completed form for the appointment of campaign
18 treasurer and designation of campaign depository, as required
19 by s. 106.021. In addition, each candidate for judicial
20 office, including an incumbent judge, shall file a statement
21 with the qualifying officer, within 10 days after filing the
22 appointment of campaign treasurer and designation of campaign
23 depository, stating that the candidate has read and
24 understands the requirements of the Florida Code of Judicial
25 Conduct. Such statement shall be in substantially the
26 following form:

27
28 Statement of Candidate for Judicial Office
29
30
31

1 I, ...(name of candidate)..., a judicial candidate, have
2 received, read, and understand the requirements of the Florida
3 Code of Judicial Conduct.

4 ...(Signature of candidate)...

5 ...(Date)...

6
7 5. The full and public disclosure of financial
8 interests required by s. 8, Art. II of the State Constitution
9 or the statement of financial interests required by s.
10 112.3145, whichever is applicable.

11 (b) If the filing officer receives qualifying papers
12 that do not include all items as required by paragraph (a)
13 prior to the last day of qualifying, the filing officer shall
14 make a reasonable effort to notify the candidate of the
15 missing or incomplete items and shall inform the candidate
16 that all required items must be received by the close of
17 qualifying. A candidate's name as it is to appear on the
18 ballot may not be changed after the end of qualifying.

19 Section 3. Section 105.035, Florida Statutes, is
20 amended to read:

21 105.035 Alternative method of qualifying for certain
22 judicial offices and the office of school board member.--

23 (1) A person seeking to qualify for election to the
24 office of circuit judge or county court judge or the office of
25 school board member ~~who is unable to pay the qualifying fee~~
26 ~~without imposing an undue burden on his or her personal~~
27 ~~resources or on resources otherwise available to him or her~~
28 may qualify for election to such office by means of the
29 petitioning process prescribed in this section. A person
30 qualifying by this alternative method shall not be required to
31 pay the qualifying fee required by this chapter. A person

1 using this petitioning process shall file an oath with the
2 officer before whom the candidate would qualify for the office
3 stating that he or she intends to qualify by this alternative
4 method for the office sought ~~and stating that he or she is~~
5 ~~unable to pay the qualifying fee for the office without~~
6 ~~imposing an undue burden on his or her resources or on~~
7 ~~resources otherwise available to him or her.~~ Such oath shall
8 be filed at any time after the first Tuesday after the first
9 Monday in January of the year in which the election is held,
10 but prior to the 21st day preceding the first day of the
11 qualifying period for the office sought. The form of such oath
12 shall be prescribed by the Division of Elections. No
13 signatures shall be obtained until the person has filed the
14 oath prescribed in this subsection.

15 (2) Upon receipt of a written oath from a candidate,
16 the qualifying officer shall provide the candidate with a
17 petition format ~~forms in sufficient numbers to facilitate the~~
18 ~~gathering of signatures pursuant to this section.~~ No
19 ~~signature shall be counted toward the number of signatures~~
20 ~~required unless it is on a petition form prescribed pursuant~~
21 ~~to this subsection.~~ Such forms shall be prescribed by the
22 Division of Elections to be used by the candidate to reproduce
23 petitions for circulation. If the candidate is running for an
24 office which will be grouped on the ballot with two or more
25 similar offices to be filled at the same election, the
26 candidate's petition must indicate, prior to the obtaining of
27 registered electors' signatures, for which group or district
28 office the candidate is running.

29 (3) Each ~~A~~ candidate for election to a judicial office
30 or the office of school board member ~~the office of circuit~~
31 ~~judge~~ shall obtain the signature of a number of qualified

1 electors equal to at least 3 percent of the total number of
2 registered electors of the district, circuit, county, or other
3 geographic entity represented by the office sought ~~judicial~~
4 ~~circuit~~ as shown by the compilation by the Department of State
5 for the last preceding general election. ~~A candidate for the~~
6 ~~office of county court judge shall obtain the signatures of a~~
7 ~~number of qualified electors equal to at least 3 percent of~~
8 ~~the total number of registered electors of the county, as~~
9 ~~shown by the compilation by the Department of State for the~~
10 ~~last preceding general election.~~ A separate petition shall be
11 circulated for each candidate availing himself or herself of
12 the provisions of this section.

13 (4)(a) Each candidate seeking to qualify for election
14 to a multicounty ~~the office of circuit judge~~ pursuant to this
15 section shall file a separate petition from each county from
16 which signatures are sought. Each petition shall be
17 submitted, prior to noon of the 21st day preceding the first
18 day of the qualifying period for the office sought, to the
19 supervisor of elections of the county for which such petition
20 was circulated. Each supervisor of elections to whom a
21 petition is submitted shall check the signatures on the
22 petition to verify their status as electors of that county and
23 of the geographic area represented by the office sought ~~within~~
24 ~~the judicial circuit~~. Prior to the first date for qualifying,
25 the supervisor shall certify the number shown as registered
26 electors ~~of that county within the circuit~~ and submit such
27 certification to the Division of Elections. The division
28 shall determine whether the required number of signatures has
29 been obtained for the name of the candidate to be placed on
30 the ballot and shall notify the candidate. If the required
31 number of signatures has been obtained, the candidate shall,

1 during the time prescribed for qualifying for office, submit a
2 copy of such notice and file his or her qualifying papers and
3 oath prescribed in s. 105.031 with the Division of Elections.
4 Upon receipt of the copy of such notice and qualifying papers,
5 the division shall certify the name of the candidate to the
6 appropriate supervisor or supervisors of elections as having
7 qualified for the office sought.

8 (b) Each candidate seeking to qualify for election to
9 a countywide ~~the office or office voted on less than a~~
10 countywide basis ~~of county court judge~~ pursuant to this
11 section shall submit his or her petition, prior to noon of the
12 21st day preceding the first day of the qualifying period for
13 the office sought, to the supervisor of elections of the
14 county for which such petition was circulated. The supervisor
15 shall check the signatures on the petition to verify their
16 status as electors of the county and of the geographic area
17 represented by the office sought. Prior to the first date for
18 qualifying, the supervisor shall determine whether the
19 required number of signatures has been obtained for the name
20 of the candidate to be placed on the ballot and shall notify
21 the candidate. If the required number of signatures has been
22 obtained, the candidate shall, during the time prescribed for
23 qualifying for office, submit a copy of such notice and file
24 his or her qualifying papers and oath prescribed in s. 105.031
25 with the qualifying officer ~~supervisor of elections~~. Upon
26 receipt of the copy of such notice and qualifying papers ~~by~~
27 ~~the supervisor of elections~~, such candidate shall be entitled
28 to have his or her name printed on the ballot.

29 Section 4. Section 105.041, Florida Statutes, is
30 amended to read:

31 105.041 Form of ballot.--

1 (1) BALLOTS.--The names of candidates for judicial
2 office and candidates for the office of school board member
3 which appear on the ballot at the first primary election shall
4 either be grouped together on a separate portion of the ballot
5 or on a separate ballot. The names of candidates for judicial
6 office and candidates for the office of school board member
7 which appear on the ballot at the general election and the
8 names of justices and judges seeking retention to office shall
9 be grouped together on a separate portion of the general
10 election ballot.

11 (2) LISTING OF CANDIDATES.--The order of nonpartisan
12 offices appearing on the ballot shall be determined by the
13 Department of State.The names of ~~all~~ candidates for each
14 nonpartisan ~~the office of circuit judge or the office of~~
15 ~~county court judge~~ shall be listed in alphabetical order.
16 With respect to justices and judges of district courts of
17 appeal, the question "Shall Justice (or Judge) (name of
18 justice or judge) of the (name of the court) be retained in
19 office?" shall appear on the ballot and thereafter the words
20 "Yes" and "No."

21 (3) REFERENCE TO PARTY AFFILIATION PROHIBITED.--No
22 reference to political party affiliation shall appear on any
23 ballot with respect to any nonpartisan ~~judicial~~ office or
24 candidate.

25 (4) WRITE-IN CANDIDATES.--Space shall be made
26 available on the general election ballot for an elector to
27 write in the name of a write-in candidate for judge of a
28 circuit court or county court or member of a school board if a
29 candidate has qualified as a write-in candidate for such
30 office pursuant to s. 105.031. This subsection shall not apply
31 to the offices of justices and judges seeking retention.

1 Section 5. Section 105.051, Florida Statutes, is
2 amended to read:

3 105.051 Determination of election to judicial
4 office.--

5 (1)(a) The name of an unopposed candidate for the
6 office of circuit judge or county court judge shall not appear
7 on any ballot, and such candidate shall be deemed to have
8 voted for himself or herself at the general election.

9 (b) If two or more candidates, neither of whom is a
10 write-in candidate, qualify for such an office, the names of
11 those candidates shall be placed on the ballot at the first
12 primary election. If any candidate for such office receives a
13 majority of the votes cast for such office in the first
14 primary election, the name of the candidate who receives such
15 majority shall not appear on any other ballot unless a
16 write-in candidate has qualified for such office. An
17 unopposed candidate shall be deemed to have voted for himself
18 or herself at the general election. If no candidate for such
19 office receives a majority of the votes cast for such office
20 in the first primary election, the names of the two candidates
21 receiving the highest number of votes for such office shall be
22 placed on the general election ballot. If more than two
23 candidates receive an equal and highest number of votes, the
24 name of each candidate receiving an equal and highest number
25 of votes shall be placed on the general election ballot. In
26 any contest in which there is a tie for second place and the
27 candidate placing first did not receive a majority of the
28 votes cast for such office, the name of the candidate placing
29 first and the name of each candidate tying for second shall be
30 placed on the general election ballot.

31

1 (c) The candidate who receives the highest number of
2 votes cast for the office in the general election shall be
3 elected to such office. If the vote at the general election
4 results in a tie, the outcome shall be determined by lot.

5 (2) With respect to any justice of the Supreme Court
6 or judge of a district court of appeal who qualifies to run
7 for retention in office, the question prescribed in s.
8 105.041(2) shall be placed on the ballot at the general
9 election. If a majority of the qualified electors voting on
10 such question within the territorial jurisdiction of the court
11 vote for retention, the justice or judge shall be retained for
12 a term of 6 years commencing on the first Tuesday after the
13 first Monday in January following the general election. If
14 less than a majority of the qualified electors voting on such
15 question within the territorial jurisdiction of the court vote
16 for retention, a vacancy shall exist in such office upon the
17 expiration of the term being served by the justice or judge.

18 Section 6. Section 105.055, Florida Statutes, is
19 created to read:

20 105.055 Determination of election to the office of
21 school board member.--

22 (1) The name of an unopposed candidate for the office
23 of school board member shall not appear on any ballot, and
24 such candidate shall be deemed to have voted for himself or
25 herself at the general election.

26 (2) If only two candidates, neither of whom is a
27 write-in candidate, qualify for such an office, the names of
28 those candidates shall be placed on the general election
29 ballot.

30 (3) If more than two candidates, none of whom is a
31 write-in candidate, qualify for such an office, the names of

1 those candidates shall be placed on the ballot at the first
2 primary election. The names of the two candidates receiving
3 the highest number of votes for such office shall be placed on
4 the general election ballot. If more than two candidates
5 receive an equal and highest number of votes, the name of each
6 candidate receiving an equal and highest number of votes shall
7 be placed on the ballot at the second primary election. The
8 names of the two candidates receiving the highest number of
9 votes for such office at the second primary election shall be
10 placed on the general election ballot. In any contest in which
11 there is a tie for second place, the name of the candidate
12 placing first shall be placed on the general election ballot
13 and the name of each candidate tying for second place shall be
14 placed on the ballot at the second primary election, and the
15 candidate who receives the highest number of votes cast for
16 such office at the second primary election shall have his or
17 her name placed on the general election ballot.

18 (4) The candidate who receives the highest number of
19 votes cast for the office in the general election shall be
20 elected to such office. If the vote at the general election
21 results in a tie, the outcome shall be determined by lot.

22 Section 7. Section 105.061, Florida Statutes, is
23 amended to read:

24 105.061 Electors qualified to vote.--

25 (1) Each qualified elector of the territorial
26 jurisdiction of a court shall be eligible to vote for a
27 candidate for each judicial office of such court or, in the
28 case of a justice of the Supreme Court or a judge of a
29 district court of appeal, for or against retention of such
30 justice or judge.

31

1 (2) The election of members of a school board shall be
2 by vote of the qualified electors as prescribed in chapter
3 230.

4 Section 8. Section 105.071, Florida Statutes, is
5 amended to read:

6 105.071 Candidates for judicial office; limitations on
7 political activity.--A candidate for judicial office shall
8 not:

9 (1) Participate in any partisan political party
10 activities, except that such candidate may register to vote as
11 a member of any political party and may vote in any party
12 primary for candidates for nomination of the party in which
13 she or he is registered to vote.

14 (2) Campaign as a member of any political party.

15 (3) Publicly represent or advertise herself or himself
16 as a member of any political party.

17 (4) Endorse any candidate.

18 (5) Make political speeches other than in the
19 candidate's own behalf.

20 (6) Make contributions to political party funds.

21 (7) Accept contributions from any political party.

22 (8) Solicit contributions for any political party.

23 (9) Accept or retain a place on any political party
24 committee.

25 (10) Make any contribution to any person, group, or
26 organization for its endorsement to judicial office.

27 (11) Agree to pay all or any part of any advertisement
28 sponsored by any person, group, or organization wherein the
29 candidate may be endorsed for judicial office by any such
30 person, group, or organization.

31

1 A candidate for judicial office or retention therein who
2 violates the provisions of this section is liable for a civil
3 fine of up to \$1,000 to be determined by the Florida Elections
4 Commission guilty of a misdemeanor of the first degree,
5 ~~punishable as provided in s. 775.082 or s. 775.083.~~

6 Section 9. Section 105.08, Florida Statutes, is
7 amended to read:

8 105.08 Campaign contribution and expense; reporting.--

9 (1) A candidate for judicial office or the office of
10 school board member may accept contributions and may incur
11 only such expenses as are authorized by law. Each such
12 candidate shall keep an accurate record of his or her
13 contributions and expenses, and shall file reports pursuant to
14 chapter 106 thereof on the same basis as is required of a
15 ~~candidate for a nonjudicial state office.~~

16 (2) Notwithstanding any other provision of this
17 chapter or chapter 106, a candidate for retention as a justice
18 of the Supreme Court or a judge of a district court of appeal
19 who has not received any contribution or made any expenditure
20 may file a sworn statement at the time of qualifying that he
21 or she does not anticipate receiving contributions or making
22 expenditures in connection with the candidacy for retention to
23 office. Such candidate shall file a final report pursuant to
24 s. 106.141, within 90 days following the general election for
25 which the candidate's name appeared on the ballot for
26 retention. Any such candidate for retention to judicial office
27 who, after filing a statement pursuant to this subsection,
28 receives any contribution or makes any expenditure in
29 connection with the candidacy for retention shall immediately
30 file a statement to that effect with the qualifying officer
31

1 and shall begin filing reports as an opposed candidate
2 pursuant to s. 106.07.

3 Section 10. Subsection (1) of section 99.061, Florida
4 Statutes, is amended to read:

5 99.061 Method of qualifying for nomination or election
6 to federal, state, county, or district office.--

7 (1) The provisions of any special act to the contrary
8 notwithstanding, each person seeking to qualify for nomination
9 or election to a federal, state, or multicounty district
10 office, other than election to a judicial office as defined in
11 chapter 105 or the office of school board member, shall file
12 his or her qualification papers with, and pay the qualifying
13 fee, which shall consist of the filing fee and election
14 assessment, and party assessment, if any has been levied, to,
15 the Department of State, or qualify by the alternative method
16 with the Department of State, at any time after noon of the
17 1st day for qualifying, which shall be as follows: the 120th
18 day prior to the first primary, but not later than noon of the
19 116th day prior to the date of the first primary, for persons
20 seeking to qualify for nomination or election to federal
21 office; and noon of the 50th day prior to the first primary,
22 but not later than noon of the 46th day prior to the date of
23 the first primary, for persons seeking to qualify for
24 nomination or election to a state or multicounty district
25 office. However, the qualifying fee, if any, paid by an
26 independent candidate or a minor party candidate shall be
27 refunded to such candidate by the qualifying officer within 10
28 days from the date that the determination is made that such
29 candidate or minor party failed to obtain the required number
30 of signatures.

31

1 Section 11. Subsection (4) of section 101.141, Florida
2 Statutes, is amended to read:

3 101.141 Specifications for primary election
4 ballot.--In counties in which voting machines are not used,
5 and in other counties for use as absentee ballots not designed
6 for tabulation by an electronic or electromechanical voting
7 system, the primary election ballot shall conform to the
8 following specifications:

9 (4) The ballot shall have the headings, under which
10 appear the names of the offices and the candidates for the
11 respective offices alphabetically arranged as to surnames, in
12 the following order: the heading "Congressional" and
13 thereunder the offices of United States Senator and
14 Representative in Congress; the heading "State" and thereunder
15 the offices of Governor and Lieutenant Governor, Secretary of
16 State, Attorney General, Comptroller, Treasurer, Commissioner
17 of Education, Commissioner of Agriculture, state attorney, and
18 public defender; the heading "Legislative" and thereunder the
19 offices of state senator and state representative; the heading
20 "County" and thereunder clerk of the circuit court, clerk of
21 the county court (when authorized by law), sheriff, property
22 appraiser, tax collector, district superintendent of schools,
23 and supervisor of elections. Thereafter follows: members of
24 the board of county commissioners, ~~members of the district~~
25 ~~school board~~, and such other county and district offices as
26 are involved in the primary election, in the order fixed by
27 the Department of State, followed, in the years of their
28 election, by "Party offices," and thereunder the offices of
29 state and county party executive committee members.
30 Immediately following the name of each office on the ballot
31 shall be printed, "Vote for One." When more than one

1 candidate is to be nominated for office, the candidates for
2 such office shall qualify and run in a group or district. The
3 group or district number shall be printed beneath the name of
4 the office. The names of candidates in the respective group
5 or district shall be arranged thereunder in alphabetical order
6 as to surnames, and following the group or district number
7 there shall be printed the words, "Vote for One." The name of
8 the office shall be printed over each numbered group or
9 district and each numbered group or district shall be clearly
10 separated from the next numbered group or district, the same
11 as in the case of single offices. When two or more candidates
12 running for the same office have the same or similar surname
13 and one candidate is currently holding that office, the word
14 "Incumbent" shall be printed next to the incumbent's name. If
15 in any primary election all the offices as above set forth are
16 not involved, those offices to be filled shall be arranged on
17 the ballot in the order named.

18 Section 12. Paragraph (a) of subsection (3) of section
19 101.151, Florida Statutes, is amended to read:

20 101.151 Specifications for general election
21 ballot.--In counties in which voting machines are not used,
22 and in other counties for use as absentee ballots not designed
23 for tabulation by an electronic or electromechanical voting
24 system, the general election ballot shall conform to the
25 following specifications:

26 (3)(a) Beneath the caption and preceding the names of
27 candidates shall be the following words: "To vote for a
28 candidate whose name is printed on the ballot, place a cross
29 (X) mark in the blank space at the right of the name of the
30 candidate for whom you desire to vote. To vote for a write-in
31 candidate, write the name of the candidate in the blank space

1 provided for that purpose." The ballot shall have headings
2 under which shall appear the names of the offices and names of
3 duly nominated candidates for the respective offices in the
4 following order: the heading "Electors for President and Vice
5 President" and thereunder the names of the candidates for
6 President and Vice President of the United States nominated by
7 the political party which received the highest vote for
8 Governor in the last general election of the Governor in this
9 state, above which shall appear the name of said party. Then
10 shall appear the names of other candidates for President and
11 Vice President of the United States who have been properly
12 nominated. Votes cast for write-in candidates for President
13 and Vice President shall be counted as votes cast for the
14 presidential electors supporting such candidates. Then shall
15 follow the heading "Congressional" and thereunder the offices
16 of United States Senator and Representative in Congress; then
17 the heading "State" and thereunder the offices of Governor and
18 Lieutenant Governor, Secretary of State, Attorney General,
19 Comptroller, Treasurer, Commissioner of Education,
20 Commissioner of Agriculture, state attorney, and public
21 defender, together with the names of the candidates for each
22 office and the title of the office which they seek; then the
23 heading "Legislative" and thereunder the offices of state
24 senator and state representative; then the heading "County"
25 and thereunder clerk of the circuit court, clerk of the county
26 court (when authorized by law), sheriff, property appraiser,
27 tax collector, district superintendent of schools, and
28 supervisor of elections. Thereafter follows: members of the
29 board of county commissioners, ~~members of the district school~~
30 ~~board~~, and such other county offices as are involved in the
31 general election, in the order fixed by the Department of

1 State. When a write-in candidate has qualified for any
2 office, a subheading "Write-in Candidate for ...(name of
3 office)..." shall be provided followed by a blank space in
4 which to write the name of the candidate. With respect to
5 write-in candidates, if two or more candidates are seeking
6 election to one office, only one blank space shall be
7 provided.

8 Section 13. Subsection (2) of section 101.251, Florida
9 Statutes, is amended to read

10 101.251 Information which supervisor of elections must
11 print on ballots.--

12 (2) In addition to the names printed on the ballot as
13 provided in subsection (1), the supervisor of elections of
14 each county shall have printed on the general election ballot
15 to be used in the county the names of the nonpartisan
16 candidates ~~judicial officers, as defined in chapter 105,~~ who
17 are entitled to have their names printed on the ballot, and
18 minor party and independent candidates who have obtained a
19 position on the general election ballot in compliance with the
20 requirements of this code.

21 Section 14. Subsection (1) of section 230.061, Florida
22 Statutes, is amended to read:

23 230.061 School board member residence areas.--

24 (1) For the purpose of ~~nominating and~~ electing school
25 board members, each district shall be divided into at least
26 five district school board member residence areas, which shall
27 be numbered one to five, inclusive, and which shall, as nearly
28 as practicable, be equal in population.

29 (a) For those school districts, which have seven
30 school board members, the district may be divided into five
31 district school board member residence areas, with two school

1 board members elected at large, or the district may be divided
2 into seven district school board member residence areas. In
3 the latter case, the residence areas shall be numbered one to
4 seven inclusive and shall be equal in population as nearly as
5 practicable.

6 (b) For those school districts which have seven school
7 board members, the number of district school board member
8 residence areas shall be determined by resolution passed by a
9 majority vote of the district school board. No district
10 school board shall be required to change the boundaries of the
11 district school board member residence areas in accordance
12 with the provisions of this act prior to July 1, 1981.

13 Section 15. Subsection (2) of section 230.105, Florida
14 Statutes, is amended to read:

15 230.105 Alternate procedure for the election of
16 district school board members to provide for single-member
17 representation.--

18 (2) District school board members shall be ~~nominated~~
19 ~~and~~ elected to office in accordance with the provisions of ss.
20 230.061 and 230.10, or as otherwise provided by law, unless a
21 proposition calling for single-member representation within
22 the residence areas of the district is submitted to and
23 approved by a majority of the qualified electors voting on
24 such proposition in the manner provided in subsection (3).

25 (a) If the school board is composed of five members,
26 such proposition shall provide that the five members shall
27 reside one in each of five residence areas, the areas together
28 covering the entire district and as nearly equal in population
29 as practicable, pursuant to s. 230.061, each of whom shall be
30 ~~nominated and~~ elected only by the qualified electors who
31 reside in the same residence area as the member.

1 (b) If the school board is composed of seven members,
2 at the option of the school board, such proposition shall
3 provide that:

4 1. Five of the seven members shall reside one in each
5 of five residence areas, the areas together covering the
6 entire district and as nearly equal in population as
7 practicable, pursuant to s. 230.061, each of whom shall be
8 ~~nominated and~~ elected only by the qualified electors who
9 reside in the same residence area as the member, and two of
10 the seven members shall be ~~nominated and~~ elected at large; or

11 2. All seven members shall reside one in each of seven
12 residence areas, the areas together covering the entire
13 district and as nearly equal in population as practicable,
14 pursuant to s. 230.061, each of whom shall be ~~nominated and~~
15 elected only by the qualified electors who reside in the same
16 residence area as the member.

17 (c) All members shall be elected for 4-year terms, but
18 such terms shall be staggered so that, alternately, one more
19 or one less than half of the members elected from residence
20 areas and, if applicable, one of the members elected at large
21 from the entire district are elected every 2 years. Any
22 member may be elected to an initial term of less than 4 years
23 if necessary to achieve or maintain such system of staggered
24 terms.

25 Section 16. Sections 105.09 and 230.08, Florida
26 Statutes, are repealed.

27 Section 17. Paragraph (a) of subsection (12) of
28 section 228.053, Florida Statutes, is amended to read:

29 228.053 Developmental research schools.--

30 (12) EXCEPTIONS TO LAW.--To encourage innovative
31 practices and facilitate the mission of the developmental

1 research schools, in addition to the exceptions to law
2 specified in s. 229.592(6), the following exceptions shall be
3 permitted for developmental research schools:
4 (a) The methods and requirements of the following
5 statutes shall be held in abeyance: ss. 230.01; 230.02;
6 230.03; 230.04; 230.05; 230.061; ~~230.08~~+230.10; 230.105;
7 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;
8 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;
9 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;
10 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;
11 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;
12 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;
13 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;
14 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;
15 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;
16 and 316.75. With the exception of subsection (16) of s.
17 230.23, s. 230.23 shall be held in abeyance. Reference to
18 school boards in s. 230.23(16) shall mean the president of the
19 university or the president's designee.
20
21 Notwithstanding the request provisions of s. 229.592(6),
22 developmental research schools shall request all waivers
23 through the Joint Developmental Research School Planning,
24 Articulation, and Evaluation Committee, as established in s.
25 228.054. The committee shall approve or disapprove said
26 requests pursuant to this subsection and s. 229.592(6);
27 however, the Commissioner of Education shall have standing to
28 challenge any decision of the committee should it adversely
29 affect the health, safety, welfare, or civil rights of the
30 students or public interest. The department shall immediately
31

1 notify the committee and developmental research school of the
2 decision and provide a rationale therefor.

3 Section 18. This act shall take effect January 1,
4 2000.

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7 HOUSE SUMMARY

8 Provides for the election of school board members in
9 nonpartisan elections. Provides requirements for
10 qualifying for judicial office or the office of school
11 board member. Requires a statement of judicial candidates
12 relating to the Code of Judicial Conduct. Provides an
13 alternative method of qualifying for nonpartisan school
14 board candidates. Eliminates the requirement for an undue
15 burden oath for nonpartisan candidates. Revises ballot
16 requirements for nonpartisan candidates. Provides for
17 determination of election to judicial office and to the
18 office of school board member. Specifies the electors who
19 are eligible to vote for nonpartisan school board
20 candidates. Provides for a civil penalty rather than a
21 criminal penalty for violation of provisions relating to
22 limitations on political activity by candidates for
23 judicial office. Provides for reporting of contributions
24 and expenditures for nonpartisan school board candidates.
25 Amends various provisions of the Florida Election Code to
26 conform. Repeals provisions relating to endorsement or
27 other support of judicial candidates by partisan
28 organizations and to nomination of candidates for the
29 office of school board member. See bill for details.
30
31