

Amendment No. 1 (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Flanagan offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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

230.10 Election of board by districtwide vote.--The election of members of the school board shall be by vote of the qualified electors of the entire district in a nonpartisan election. Each candidate for school board member shall, at the time she or he qualifies, be a resident of the school board member residence area from which the candidate seeks election. Each candidate who qualifies to have her or his name placed on the ballot ~~of the general election~~ shall be listed according to the school board member residence area in which she or he resides. Each qualified elector of the district shall be entitled to vote for one candidate from each school board member residence area. The candidate from each school board member residence area who receives the highest number of

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1 votes in the general election shall be elected to the school  
2 board.

3 Section 2. Section 105.031, Florida Statutes, is  
4 amended to read:

5 105.031 Qualification; filing fee; candidate's oath;  
6 items required to be filed.--

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

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1 this subsection shall be entitled to have his or her name  
2 printed on the ballot.

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

6 (3) QUALIFYING FEE.--Each candidate qualifying for  
7 election to a judicial office or the office of school board  
8 member, except write-in judicial candidates, shall, during the  
9 time for qualifying, pay to the officer with whom he or she  
10 qualifies a qualifying fee, which shall consist of a filing  
11 fee and an election assessment, or qualify by the alternative  
12 method. The amount of the filing fee is 3 percent of the  
13 annual salary of the office sought. The amount of the election  
14 assessment is 1 percent of the annual salary of the office  
15 sought. The Department of State ~~qualifying officer~~ shall  
16 forward all filing fees to the Department of Revenue for  
17 deposit in the Elections Commission Trust ~~General Revenue~~  
18 Fund. The supervisor of elections shall forward all filing  
19 fees to the Elections Commission Trust Fund. The election  
20 assessment shall be deposited into the Elections Commission  
21 Trust Fund. The annual salary of the office for purposes of  
22 computing the qualifying fee shall be computed by multiplying  
23 12 times the monthly salary authorized for such office as of  
24 July 1 immediately preceding the first day of qualifying.  
25 This subsection shall not apply to candidates qualifying for  
26 retention to judicial office.

27 (4) CANDIDATE'S OATH.--

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

30 (b) All candidates for judicial office shall subscribe  
31 to an oath or affirmation in writing to be filed with the

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1 appropriate qualifying officer upon qualifying. A printed  
2 copy of the oath or affirmation shall be furnished to the  
3 candidate by the qualifying officer and shall be in  
4 substantially the following form:

5  
6 State of Florida  
7 County of ....

8 Before me, an officer authorized to administer oaths,  
9 personally appeared ...(please print name as you wish it to  
10 appear on the ballot)..., to me well known, who, being sworn,  
11 says he or she: is a candidate for the judicial office of  
12 ....; that his or her legal residence is .... County, Florida;  
13 that he or she is a qualified elector of the state and of the  
14 territorial jurisdiction of the court to which he or she seeks  
15 election; that he or she is qualified under the constitution  
16 and laws of Florida to hold the judicial office to which he or  
17 she desires to be elected or in which he or she desires to be  
18 retained; that he or she has taken the oath required by ss.  
19 876.05-876.10, Florida Statutes; that he or she has qualified  
20 for no other public office in the state, the term of which  
21 office or any part thereof runs concurrent to the office he or  
22 she seeks; and that he or she has resigned from any office  
23 which he or she is required to resign pursuant to s. 99.012,  
24 Florida Statutes.

25 ...(Signature of candidate)...

26 ...(Address)...

27  
28 Sworn to and subscribed before me this .... day of .....,  
29 19....., at .... County, Florida.

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

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

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1 (a) In order for a candidate for judicial office or  
2 the office of school board member to be qualified, the  
3 following items must be received by the filing officer by the  
4 end of the qualifying period:

5 1. Except for candidates for retention to judicial  
6 office ~~For each candidate qualifying for the office of circuit~~  
7 ~~judge or county court judge~~, a properly executed check drawn  
8 upon the candidate's campaign account in an amount not less  
9 than the fee required by subsection (3) or, in lieu thereof,  
10 the copy of the notice of obtaining ballot position pursuant  
11 to s. 105.035. If a candidate's check is returned by the bank  
12 for any reason, the filing officer shall immediately notify  
13 the candidate and the candidate shall, the end of qualifying  
14 notwithstanding, have 48 hours from the time such notification  
15 is received, excluding Saturdays, Sundays, and legal holidays,  
16 to pay the fee with a cashier's check purchased from funds of  
17 the campaign account. Failure to pay the fee as provided in  
18 this subparagraph shall disqualify the candidate.

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

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

26 4. The completed form for the appointment of campaign  
27 treasurer and designation of campaign depository, as required  
28 by s. 106.021. In addition, each candidate for judicial  
29 office, including an incumbent judge, shall file a statement  
30 with the qualifying officer, within 10 days after filing the  
31 appointment of campaign treasurer and designation of campaign

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1 depository, stating that the candidate has read and  
2 understands the requirements of the Florida Code of Judicial  
3 Conduct. Such statement shall be in substantially the  
4 following form:

5  
6 Statement of Candidate for Judicial Office

7  
8 I, ...(name of candidate)..., a judicial candidate, have  
9 received, read, and understand the requirements of the Florida  
10 Code of Judicial Conduct.

11 ...(Signature of candidate)...

12 ...(Date)...

13  
14 5. The full and public disclosure of financial  
15 interests required by s. 8, Art. II of the State Constitution  
16 or the statement of financial interests required by s.  
17 112.3145, whichever is applicable.

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

26 Section 3. Section 105.035, Florida Statutes, is  
27 amended to read:

28 105.035 Alternative method of qualifying for certain  
29 judicial offices and the office of school board member.--

30 (1) A person seeking to qualify for election to the  
31 office of circuit judge or county court judge or the office of

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1 ~~school board member who is unable to pay the qualifying fee~~  
2 ~~without imposing an undue burden on his or her personal~~  
3 ~~resources or on resources otherwise available to him or her~~  
4 may qualify for election to such office by means of the  
5 petitioning process prescribed in this section. A person  
6 qualifying by this alternative method shall not be required to  
7 pay the qualifying fee required by this chapter. A person  
8 using this petitioning process shall file an oath with the  
9 officer before whom the candidate would qualify for the office  
10 stating that he or she intends to qualify by this alternative  
11 method for the office sought ~~and stating that he or she is~~  
12 ~~unable to pay the qualifying fee for the office without~~  
13 ~~imposing an undue burden on his or her resources or on~~  
14 ~~resources otherwise available to him or her.~~ Such oath shall  
15 be filed at any time after the first Tuesday after the first  
16 Monday in January of the year in which the election is held,  
17 but prior to the 21st day preceding the first day of the  
18 qualifying period for the office sought. The form of such oath  
19 shall be prescribed by the Division of Elections. No  
20 signatures shall be obtained until the person has filed the  
21 oath prescribed in this subsection.

22 (2) Upon receipt of a written oath from a candidate,  
23 the qualifying officer shall provide the candidate with a  
24 petition format forms in sufficient numbers to facilitate the  
25 ~~gathering of signatures pursuant to this section.~~ No  
26 ~~signature shall be counted toward the number of signatures~~  
27 ~~required unless it is on a petition form prescribed pursuant~~  
28 ~~to this subsection.~~ Such forms shall be prescribed by the  
29 Division of Elections to be used by the candidate to reproduce  
30 petitions for circulation. If the candidate is running for an  
31 office which will be grouped on the ballot with two or more

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1 similar offices to be filled at the same election, the  
2 candidate's petition must indicate, prior to the obtaining of  
3 registered electors' signatures, for which group or district  
4 office the candidate is running.

5 (3) Each ~~A~~ candidate for election to a judicial office  
6 or the office of school board member ~~the office of circuit~~  
7 ~~judge~~ shall obtain the signature of a number of qualified  
8 electors equal to at least 3 percent of the total number of  
9 registered electors of the district, circuit, county, or other  
10 geographic entity represented by the office sought ~~judicial~~  
11 ~~circuit~~ as shown by the compilation by the Department of State  
12 for the last preceding general election. ~~A candidate for the~~  
13 ~~office of county court judge shall obtain the signatures of a~~  
14 ~~number of qualified electors equal to at least 3 percent of~~  
15 ~~the total number of registered electors of the county, as~~  
16 ~~shown by the compilation by the Department of State for the~~  
17 ~~last preceding general election.~~ A separate petition shall be  
18 circulated for each candidate availing himself or herself of  
19 the provisions of this section.

20 (4)(a) Each candidate seeking to qualify for election  
21 to the office of circuit judge or the office of school board  
22 member from a multicounty school district pursuant to this  
23 section shall file a separate petition from each county from  
24 which signatures are sought. Each petition shall be  
25 submitted, prior to noon of the 21st day preceding the first  
26 day of the qualifying period for the office sought, to the  
27 supervisor of elections of the county for which such petition  
28 was circulated. Each supervisor of elections to whom a  
29 petition is submitted shall check the signatures on the  
30 petition to verify their status as electors of that county and  
31 of the geographic area represented by the office sought ~~within~~



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1 ~~the judicial circuit.~~ Prior to the first date for qualifying,  
2 the supervisor shall certify the number shown as registered  
3 ~~electors of that county within the circuit~~ and submit such  
4 certification to the Division of Elections. The division  
5 shall determine whether the required number of signatures has  
6 been obtained for the name of the candidate to be placed on  
7 the ballot and shall notify the candidate. If the required  
8 number of signatures has been obtained, the candidate shall,  
9 during the time prescribed for qualifying for office, submit a  
10 copy of such notice and file his or her qualifying papers and  
11 oath prescribed in s. 105.031 with the Division of Elections.  
12 Upon receipt of the copy of such notice and qualifying papers,  
13 the division shall certify the name of the candidate to the  
14 appropriate supervisor or supervisors of elections as having  
15 qualified for the office sought.

16 (b) Each candidate seeking to qualify for election to  
17 the office of county court judge or the office of school board  
18 member from a single county school district pursuant to this  
19 section shall submit his or her petition, prior to noon of the  
20 21st day preceding the first day of the qualifying period for  
21 the office sought, to the supervisor of elections of the  
22 county for which such petition was circulated. The supervisor  
23 shall check the signatures on the petition to verify their  
24 status as electors of the county and of the geographic area  
25 represented by the office sought. Prior to the first date for  
26 qualifying, the supervisor shall determine whether the  
27 required number of signatures has been obtained for the name  
28 of the candidate to be placed on the ballot and shall notify  
29 the candidate. If the required number of signatures has been  
30 obtained, the candidate shall, during the time prescribed for  
31 qualifying for office, submit a copy of such notice and file

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1 his or her qualifying papers and oath prescribed in s. 105.031  
2 with the qualifying officer ~~supervisor of elections~~. Upon  
3 receipt of the copy of such notice and qualifying papers ~~by~~  
4 ~~the supervisor of elections~~, such candidate shall be entitled  
5 to have his or her name printed on the ballot.

6 Section 4. Section 105.041, Florida Statutes, is  
7 amended to read:

8 105.041 Form of ballot.--

9 (1) BALLOTS.--The names of candidates for judicial  
10 office and candidates for the office of school board member  
11 which appear on the ballot at the first primary election shall  
12 either be grouped together on a separate portion of the ballot  
13 or on a separate ballot. The names of candidates for judicial  
14 office and candidates for the office of school board member  
15 which appear on the ballot at the general election and the  
16 names of justices and judges seeking retention to office shall  
17 be grouped together on a separate portion of the general  
18 election ballot.

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

29 (3) REFERENCE TO PARTY AFFILIATION PROHIBITED.--No  
30 reference to political party affiliation shall appear on any  
31 ballot with respect to any nonpartisan ~~judicial~~ office or

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1 candidate.

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

9 Section 5. Section 105.051, Florida Statutes, is  
10 amended to read:

11 105.051 Determination of election to judicial  
12 office.--

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

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

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1 name of each candidate receiving an equal and highest number  
2 of votes shall be placed on the general election ballot. In  
3 any contest in which there is a tie for second place and the  
4 candidate placing first did not receive a majority of the  
5 votes cast for such office, the name of the candidate placing  
6 first and the name of each candidate tying for second shall be  
7 placed on the general election ballot.

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

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

25 Section 6. Section 105.055, Florida Statutes, is  
26 created to read:

27 105.055 Determination of election to the office of  
28 school board member.--

29 (1) The name of an unopposed candidate for the office  
30 of school board member shall not appear on any ballot, and  
31 such candidate shall be deemed to have voted for himself or

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1 herself at the general election.

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

6 (3) If more than two candidates, none of whom is a  
7 write-in candidate, qualify for such an office, the names of  
8 those candidates shall be placed on the ballot at the first  
9 primary election. The names of the two candidates receiving  
10 the highest number of votes for such office shall be placed on  
11 the general election ballot. If more than two candidates  
12 receive an equal and highest number of votes, the name of each  
13 candidate receiving an equal and highest number of votes shall  
14 be placed on the ballot at the second primary election. The  
15 names of the two candidates receiving the highest number of  
16 votes for such office at the second primary election shall be  
17 placed on the general election ballot. In any contest in which  
18 there is a tie for second place, the name of the candidate  
19 placing first shall be placed on the general election ballot  
20 and the name of each candidate tying for second place shall be  
21 placed on the ballot at the second primary election, and the  
22 candidate who receives the highest number of votes cast for  
23 such office at the second primary election shall have his or  
24 her name placed on the general election ballot.

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

29 Section 7. Section 105.061, Florida Statutes, is  
30 amended to read:

31 105.061 Electors qualified to vote.--

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1           (1) Each qualified elector of the territorial  
2 jurisdiction of a court shall be eligible to vote for a  
3 candidate for each judicial office of such court or, in the  
4 case of a justice of the Supreme Court or a judge of a  
5 district court of appeal, for or against retention of such  
6 justice or judge.

7           (2) The election of members of a school board shall be  
8 by vote of the qualified electors as prescribed in chapter  
9 230.

10           Section 8. Section 105.071, Florida Statutes, is  
11 amended to read:

12           105.071 Candidates for judicial office; limitations on  
13 political activity.--A candidate for judicial office shall  
14 not:

15           (1) Participate in any partisan political party  
16 activities, except that such candidate may register to vote as  
17 a member of any political party and may vote in any party  
18 primary for candidates for nomination of the party in which  
19 she or he is registered to vote.

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

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

23           (4) Endorse any candidate.

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

26           (6) Make contributions to political party funds.

27           (7) Accept contributions from any political party.

28           (8) Solicit contributions for any political party.

29           (9) Accept or retain a place on any political party  
30 committee.

31           (10) Make any contribution to any person, group, or

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1 organization for its endorsement to judicial office.

2 (11) Agree to pay all or any part of any advertisement  
3 sponsored by any person, group, or organization wherein the  
4 candidate may be endorsed for judicial office by any such  
5 person, group, or organization.

6  
7 A candidate for judicial office or retention therein who  
8 violates the provisions of this section is liable for a civil  
9 fine of up to \$1,000 to be determined by the Florida Elections  
10 Commission guilty of a misdemeanor of the first degree,  
11 punishable as provided in s. 775.082 or s. 775.083.

12 Section 9. Section 105.08, Florida Statutes, is  
13 amended to read:

14 105.08 Campaign contribution and expense; reporting.--

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

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

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1 retention. Any such candidate for retention to judicial office  
2 who, after filing a statement pursuant to this subsection,  
3 receives any contribution or makes any expenditure in  
4 connection with the candidacy for retention shall immediately  
5 file a statement to that effect with the qualifying officer  
6 and shall begin filing reports as an opposed candidate  
7 pursuant to s. 106.07.

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

10 99.061 Method of qualifying for nomination or election  
11 to federal, state, county, or district office.--

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



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1 refunded to such candidate by the qualifying officer within 10  
2 days from the date that the determination is made that such  
3 candidate or minor party failed to obtain the required number  
4 of signatures.

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

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

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

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

22 Section 12. Paragraph (a) of subsection (3) of section  
23 101.151, Florida Statutes, is amended to read:

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

30 (3)(a) Beneath the caption and preceding the names of  
31 candidates shall be the following words: "To vote for a

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

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1 supervisor of elections. Thereafter follows: members of the  
2 board of county commissioners, ~~members of the district school~~  
3 ~~board~~, and such other county offices as are involved in the  
4 general election, in the order fixed by the Department of  
5 State. When a write-in candidate has qualified for any  
6 office, a subheading "Write-in Candidate for ...(name of  
7 office)..." shall be provided followed by a blank space in  
8 which to write the name of the candidate. With respect to  
9 write-in candidates, if two or more candidates are seeking  
10 election to one office, only one blank space shall be  
11 provided.

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

14 101.251 Information which supervisor of elections must  
15 print on ballots.--

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

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

27 230.061 School board member residence areas.--

28 (1) For the purpose of ~~nominating and~~ electing school  
29 board members, each district shall be divided into at least  
30 five district school board member residence areas, which shall  
31 be numbered one to five, inclusive, and which shall, as nearly

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1 as practicable, be equal in population.

2 (a) For those school districts, which have seven  
3 school board members, the district may be divided into five  
4 district school board member residence areas, with two school  
5 board members elected at large, or the district may be divided  
6 into seven district school board member residence areas. In  
7 the latter case, the residence areas shall be numbered one to  
8 seven inclusive and shall be equal in population as nearly as  
9 practicable.

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

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

19 230.105 Alternate procedure for the election of  
20 district school board members to provide for single-member  
21 representation.--

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

29 (a) If the school board is composed of five members,  
30 such proposition shall provide that the five members shall  
31 reside one in each of five residence areas, the areas together

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1 covering the entire district and as nearly equal in population  
2 as practicable, pursuant to s. 230.061, each of whom shall be  
3 ~~nominated and~~ elected only by the qualified electors who  
4 reside in the same residence area as the member.

5 (b) If the school board is composed of seven members,  
6 at the option of the school board, such proposition shall  
7 provide that:

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

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

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

29 Section 16. Section 230.08, Florida Statutes, is  
30 repealed.

31 Section 17. Paragraph (a) of subsection (12) of

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1 section 228.053, Florida Statutes, is amended to read:  
2           228.053 Developmental research schools.--  
3           (12) EXCEPTIONS TO LAW.--To encourage innovative  
4 practices and facilitate the mission of the developmental  
5 research schools, in addition to the exceptions to law  
6 specified in s. 229.592(6), the following exceptions shall be  
7 permitted for developmental research schools:  
8           (a) The methods and requirements of the following  
9 statutes shall be held in abeyance: ss. 230.01; 230.02;  
10 230.03; 230.04; 230.05; 230.061; ~~230.08~~230.10; 230.105;  
11 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18;  
12 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318;  
13 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303;  
14 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63;  
15 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261;  
16 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38;  
17 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45;  
18 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52;  
19 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40;  
20 and 316.75. With the exception of subsection (16) of s.  
21 230.23, s. 230.23 shall be held in abeyance. Reference to  
22 school boards in s. 230.23(16) shall mean the president of the  
23 university or the president's designee.  
24  
25 Notwithstanding the request provisions of s. 229.592(6),  
26 developmental research schools shall request all waivers  
27 through the Joint Developmental Research School Planning,  
28 Articulation, and Evaluation Committee, as established in s.  
29 228.054. The committee shall approve or disapprove said  
30 requests pursuant to this subsection and s. 229.592(6);  
31 however, the Commissioner of Education shall have standing to

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1 challenge any decision of the committee should it adversely  
2 affect the health, safety, welfare, or civil rights of the  
3 students or public interest. The department shall immediately  
4 notify the committee and developmental research school of the  
5 decision and provide a rationale therefor.

6 Section 18. This act shall take effect January 1,  
7 2000.

8  
9  
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, beginning on line 2 through page 2, line 5  
13 remove from the title of the bill: all of said lines

14  
15 and insert in lieu thereof:

16 An act relating to elections; amending s.  
17 230.10, F.S.; providing for the election of  
18 school board members in a nonpartisan election;  
19 amending s. 105.031, F.S.; providing  
20 requirements for qualifying for nonpartisan  
21 office; requiring a statement of judicial  
22 candidates relating to the Code of Judicial  
23 Conduct; amending s. 105.035, F.S.; providing  
24 an alternative method of qualifying for  
25 nonpartisan school board candidates;  
26 eliminating the requirement for an undue burden  
27 oath; amending s. 105.041, F.S.; revising  
28 ballot requirements for nonpartisan candidates;  
29 amending s. 105.051, F.S.; relating to  
30 determination of election to judicial office;  
31 creating s. 105.055, F.S.; providing for



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1           determination of election to the office of  
2           school board member; amending s. 105.061, F.S.;  
3           specifying the electors who are eligible to  
4           vote for nonpartisan school board candidates;  
5           amending s. 105.071, F.S., relating to  
6           limitations on political activity by candidates  
7           for judicial office; revising penalties;  
8           amending s. 105.08, F.S.; providing for  
9           reporting of contributions and expenditures for  
10          nonpartisan school board candidates; amending  
11          ss. 99.061, 101.141, 101.151, 101.251, 230.061,  
12          and 230.105, F.S., to conform; repealing s.  
13          230.08, F.S., relating to nomination of  
14          candidates for the office of school board  
15          member; amending s. 228.053, F.S.; correcting a  
16          cross reference; providing an effective date.

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