

Bill No. HB 1221

Barcode 475160

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. The Legislature finds that medium-sized counties in Florida have experienced rapid and dynamic growth in the last decade. The Legislature recognizes that some counties have been experiencing rapid growth, based on student enrollment figures. The Legislature also recognizes that the needs of students in kindergarten through grade 12 are significantly tied to expansive growth in these counties, and that the needs of families that have school-age children require critical consideration. The Legislature finds that the will of the electors regarding education issues may be better realized by offering an alternate procedure for the district school board chair to be elected directly by the electors of the school district.

Section 2. Section 1001.364, Florida Statutes, is created to read:

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1 1001.364 Alternate procedure for election of district
2 school board chair.--

3 (1) The district school board chair shall be elected
4 in accordance with the provisions of s. 1001.371 unless a
5 proposition calling for the district school board chair to be
6 elected as an additional school board member by districtwide
7 vote is submitted to and approved by a majority of the
8 qualified electors voting on such proposition in the manner
9 provided in subsection (2).

10 (2) A proposition calling for the district school
11 board chair to be elected by districtwide vote shall be
12 submitted to the electors of the school district at any
13 primary, general, or otherwise-called special election in
14 either of the following manners:

15 (a) The district school board may adopt a formal
16 resolution directing that the proposition be placed on the
17 ballot; or

18 (b) The electors of the school district may petition
19 to have the proposition placed on the ballot by presenting to
20 the district school board petitions signed by not less than 10
21 percent of the duly qualified electors residing within the
22 school district. The number of signatures required shall be
23 determined by the supervisor of elections according to the
24 number of registered electors in the school district as of the
25 date the petitioning electors register as a political
26 committee as provided in subsection (3).

27 (3) The electors petitioning to have the proposition
28 placed on the ballot shall register as a political committee
29 pursuant to s. 106.03, and a specific person shall be
30 designated therein as chair of the committee to act for the
31 committee.

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1 (4) Each petition form circulated shall include the
2 following wording:

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4 As a registered elector of the school district
5 of _____ County, Florida, I am petitioning for a
6 referendum election to determine whether the
7 district school board chair shall be elected by
8 districtwide vote.

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10 The petition shall also include space for the signature and
11 address of the elector. Each signature obtained shall be dated
12 when made and is valid for a period of 4 years after that
13 date.

14 (5) Upon the filing of the petitions with the district
15 school board by the chair of the committee, the district
16 school board shall submit the petitions to the supervisor of
17 elections for verification of the signatures. Within a period
18 of not more than 30 days, the supervisor of elections shall
19 determine whether the petitions contain the required number of
20 valid signatures. The supervisor of elections shall be paid by
21 the committee seeking verification the sum of 10 cents for
22 each signature checked.

23 (6) If it is determined that the petitions have the
24 required signatures, the supervisor of elections shall certify
25 the petitions to the district school board, which shall adopt
26 a formal resolution requesting that an election date be set to
27 conform to the earliest primary, general, or otherwise-called
28 special election that occurs not less than 30 days after
29 certification of the petitions. If it is determined that the
30 petitions do not contain the required signatures, the
31 supervisor of elections shall so notify the district school

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1 board, which shall file the petitions without taking further
2 action, and the matter shall be at an end. No additional
3 signatures may be added to the petitions, and the petitions
4 may not be used in any other proceeding.

5 (7) No special election may be called for the sole
6 purpose of presenting the proposition to the vote of the
7 electors.

8 (8) Any school district adopting the proposition set
9 forth in this section may thereafter return to the procedure
10 otherwise provided by law by following the same procedure
11 outlined in subsection (2).

12 (9) If a proposition submitted to the electors under
13 subsection (2) calling for the district school board chair to
14 be elected by districtwide vote is approved by vote of the
15 qualified electors, the office of district school board chair
16 shall be filled at the next general election.

17 (10) The vice chair of the district school board shall
18 be elected by the members of the district school board as
19 provided in s. 1001.371.

20 (11) This section applies only to those counties
21 organized by charter that have a population of between 800,000
22 and 900,000 according to the latest federal decennial census.

23 Section 3. Section 1001.365, Florida Statutes, is
24 created to read:

25 1001.365 Votes by district school board chair and
26 district school board members.--Unless otherwise provided by
27 law, in the event of a tie vote of the district school board
28 chair and district school board members acting in any
29 capacity, the side on which the district school board chair
30 voted shall be deemed to prevail. For purposes of any vote of
31 the district school board chair and district school board

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1 members acting in any capacity, action taken pursuant to that
 2 side of a tie vote on which the district school board chair
 3 voted satisfies the requirement that action be taken by a
 4 "majority" vote or a "simple majority" vote. This section
 5 applies only to those counties organized by charter that have
 6 a population of between 800,000 and 900,000 according to the
 7 last federal decennial census.

8 Section 4. Section 1001.371, Florida Statutes, is
 9 amended to read:

10 1001.371 Organization of district school board.--On
 11 the third Tuesday after the first Monday in November of each
 12 year, the district school board shall organize by electing a
 13 chair. It may elect a vice chair, and the district school
 14 superintendent shall act ex officio as the secretary. If a
 15 vacancy should occur in the position of chair, the district
 16 school board shall proceed to elect a chair at the next
 17 ensuing regular or special meeting. At the organization
 18 meeting, the district school superintendent shall act as chair
 19 until the organization is completed. The chair and secretary
 20 shall then make and sign a copy of the proceedings of
 21 organization, including the schedule for regular meetings and
 22 the names and addresses of all district school officers, and
 23 annex their affidavits that the same is a true and correct
 24 copy of the original, and the secretary shall file the
 25 document within 2 weeks with the Department of Education. This
 26 section does not apply to any school district with a district
 27 school board chair who is elected by districtwide vote.

28 Section 5. This act shall take effect July 1, 2006.
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2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to district school boards;

8 providing legislative findings; creating s.

9 1001.364, F.S.; providing for an alternate

10 procedure for the election of a district school

11 board chair in any school district that does

12 not have a district school board member elected

13 at large; requiring a referendum and providing

14 requirements for submitting such referendum to

15 the electors; creating s. 1001.365, F.S.;

16 providing for resolution of a tie vote by the

17 district school board chair and district school

18 board members; amending s. 1001.371, F.S.,

19 relating to organization of district school

20 boards, to conform; providing an effective

21 date.

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