

1 A bill to be entitled
 2 An act relating to district school boards; creating s.
 3 1001.364, F.S.; providing for an alternate procedure for
 4 the election of a district school board chair in any
 5 school district that does not have a district school board
 6 member elected at large; requiring a referendum and
 7 providing requirements for submitting such referendum to
 8 the electors; creating s. 1001.365, F.S.; providing for
 9 resolution of a tie vote by the district school board
 10 chair and district school board members; amending s.
 11 1001.371, F.S., relating to organization of district
 12 school boards, to conform; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 1001.364, Florida Statutes, is created
 17 to read:

18 1001.364 Alternate procedure for election of district
 19 school board chair.--

20 (1) The district school board chair shall be elected in
 21 accordance with the provisions of s. 1001.371 unless a
 22 proposition calling for the district school board chair to be
 23 elected as an additional school board member by districtwide
 24 vote is submitted to and approved by a majority of the
 25 qualified electors voting on such proposition in the manner
 26 provided in subsection (2).

27 (2) A proposition calling for the district school board
 28 chair to be elected by districtwide vote shall be submitted to

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29 the electors of the school district at any primary, general, or
30 otherwise-called special election in either of the following
31 manners:

32 (a) The district school board may adopt a formal
33 resolution directing that the proposition be placed on the
34 ballot; or

35 (b) The electors of the school district may petition to
36 have the proposition placed on the ballot by presenting to the
37 district school board petitions signed by not less than 10
38 percent of the duly qualified electors residing within the
39 school district. The number of signatures required shall be
40 determined by the supervisor of elections according to the
41 number of registered electors in the school district as of the
42 date the petitioning electors register as a political committee
43 as provided in subsection (3).

44 (3) The electors petitioning to have the proposition
45 placed on the ballot shall register as a political committee
46 pursuant to s. 106.03, and a specific person shall be
47 designated therein as chair of the committee to act for the
48 committee.

49 (4) Each petition form circulated shall include the
50 following wording:

51
52 As a registered elector of the school district of _____
53 County, Florida, I am petitioning for a referendum
54 election to determine whether the district school board
55 chair shall be elected by districtwide vote.
56

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

60 (5) Upon the filing of the petitions with the district
61 school board by the chair of the committee, the district school
62 board shall submit the petitions to the supervisor of elections
63 for verification of the signatures. Within a period of not more
64 than 30 days, the supervisor of elections shall determine
65 whether the petitions contain the required number of valid
66 signatures. The supervisor of elections shall be paid by the
67 committee seeking verification the sum of 10 cents for each
68 signature checked.

69 (6) If it is determined that the petitions have the
70 required signatures, the supervisor of elections shall certify
71 the petitions to the district school board, which shall adopt a
72 formal resolution requesting that an election date be set to
73 conform to the earliest primary, general, or otherwise-called
74 special election that occurs not less than 30 days after
75 certification of the petitions. If it is determined that the
76 petitions do not contain the required signatures, the
77 supervisor of elections shall so notify the district school
78 board, which shall file the petitions without taking further
79 action, and the matter shall be at an end. No additional
80 signatures may be added to the petitions, and the petitions may
81 not be used in any other proceeding.

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

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

89 (9) If a proposition submitted to the electors under
90 subsection (2) calling for the district school board chair to
91 be elected by districtwide vote is approved by vote of the
92 qualified electors, the office of district school board chair
93 shall be filled at the next general election.

94 (10) The vice chair of the district school board shall be
95 elected by the members of the district school board as provided
96 in s. 1001.371.

97 (11) This section does not apply to school districts with
98 district school board members elected at large.

99 Section 2. Section 1001.365, Florida Statutes, is created
100 to read:

101 1001.365 Votes by district school board chair and
102 district school board members.--Unless otherwise provided by
103 law, in the event of a tie vote of the district school board
104 chair and district school board members acting in any capacity,
105 the side on which the district school board chair voted shall
106 be deemed to prevail. For purposes of any vote of the district
107 school board chair and district school board members acting in
108 any capacity, action taken pursuant to that side of a tie vote
109 on which the district school board chair voted satisfies the
110 requirement that action be taken by a "majority" vote or a
111 "simple majority" vote.

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112 Section 3. Section 1001.371, Florida Statutes, is amended
113 to read:

114 1001.371 Organization of district school board.--On the
115 third Tuesday after the first Monday in November of each year,
116 the district school board shall organize by electing a chair. It
117 may elect a vice chair, and the district school superintendent
118 shall act ex officio as the secretary. If a vacancy should occur
119 in the position of chair, the district school board shall
120 proceed to elect a chair at the next ensuing regular or special
121 meeting. At the organization meeting, the district school
122 superintendent shall act as chair until the organization is
123 completed. The chair and secretary shall then make and sign a
124 copy of the proceedings of organization, including the schedule
125 for regular meetings and the names and addresses of all district
126 school officers, and annex their affidavits that the same is a
127 true and correct copy of the original, and the secretary shall
128 file the document within 2 weeks with the Department of
129 Education. This section does not apply to any school district
130 with a district school board chair who is elected by
131 districtwide vote.

132 Section 4. This act shall take effect July 1, 2006.