

ENROLLED

HB 1221, Engrossed 1

2006 Legislature

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

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

16
17 Section 1. The Legislature finds that medium-sized
18 counties in Florida have experienced rapid and dynamic growth in
19 the last decade. The Legislature recognizes that some counties
20 have been experiencing rapid growth, based on student enrollment
21 figures. The Legislature also recognizes that the needs of
22 students in kindergarten through grade 12 are significantly tied
23 to expansive growth in these counties, and that the needs of
24 families that have school-age children require critical
25 consideration. The Legislature finds that the will of the
26 electors regarding education issues may be better realized by
27 offering an alternate procedure for the district school board
28 chair to be elected directly by the electors of the school

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2006 Legislature

29 district.

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

32 1001.364 Alternate procedure for election of district
 33 school board chair.--

34 (1) The district school board chair shall be elected in
 35 accordance with the provisions of s. 1001.371 unless a
 36 proposition calling for the district school board chair to be
 37 elected as an additional school board member by districtwide
 38 vote is submitted to and approved by a majority of the qualified
 39 electors voting on such proposition in the manner provided in
 40 subsection (2).

41 (2) A proposition calling for the district school board
 42 chair to be elected by districtwide vote shall be submitted to
 43 the electors of the school district at any primary, general, or
 44 otherwise-called special election in either of the following
 45 manners:

46 (a) The district school board may adopt a formal
 47 resolution directing that the proposition be placed on the
 48 ballot; or

49 (b) The electors of the school district may petition to
 50 have the proposition placed on the ballot by presenting to the
 51 district school board petitions signed by not less than 10
 52 percent of the duly qualified electors residing within the
 53 school district. The number of signatures required shall be
 54 determined by the supervisor of elections according to the
 55 number of registered electors in the school district as of the
 56 date the petitioning electors register as a political committee

ENROLLED

HB 1221, Engrossed 1

2006 Legislature

57 as provided in subsection (3).

58 (3) The electors petitioning to have the proposition
59 placed on the ballot shall register as a political committee
60 pursuant to s. 106.03, and a specific person shall be designated
61 therein as chair of the committee to act for the committee.

62 (4) Each petition form circulated shall include the
63 following wording:

64
65 As a registered elector of the school district
66 of _____ County, Florida, I am petitioning for a
67 referendum election to determine whether the
68 district school board chair shall be elected by
69 districtwide vote.

70
71 The petition shall also include space for the signature and
72 address of the elector. Each signature obtained shall be dated
73 when made and is valid for a period of 4 years after that date.

74 (5) Upon the filing of the petitions with the district
75 school board by the chair of the committee, the district school
76 board shall submit the petitions to the supervisor of elections
77 for verification of the signatures. Within a period of not more
78 than 30 days, the supervisor of elections shall determine
79 whether the petitions contain the required number of valid
80 signatures. The supervisor of elections shall be paid by the
81 committee seeking verification the sum of 10 cents for each
82 signature checked.

83 (6) If it is determined that the petitions have the
84 required signatures, the supervisor of elections shall certify

ENROLLED

HB 1221, Engrossed 1

2006 Legislature

85 the petitions to the district school board, which shall adopt a
86 formal resolution requesting that an election date be set to
87 conform to the earliest primary, general, or otherwise-called
88 special election that occurs not less than 30 days after
89 certification of the petitions. If it is determined that the
90 petitions do not contain the required signatures, the supervisor
91 of elections shall so notify the district school board, which
92 shall file the petitions without taking further action, and the
93 matter shall be at an end. No additional signatures may be added
94 to the petitions, and the petitions may not be used in any other
95 proceeding.

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

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

102 (9) If a proposition submitted to the electors under
103 subsection (2) calling for the district school board chair to be
104 elected by districtwide vote is approved by vote of the
105 qualified electors, the office of district school board chair
106 shall be filled at the next general election.

107 (10) The vice chair of the district school board shall be
108 elected by the members of the district school board as provided
109 in s. 1001.371.

110 (11) This section applies only to those counties organized
111 by charter that have a population of between 800,000 and 900,000
112 according to the last federal decennial census.

ENROLLED
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2006 Legislature

113 Section 3. Section 1001.365, Florida Statutes, is created
 114 to read:

115 1001.365 Votes by district school board chair and district
 116 school board members.--Unless otherwise provided by law, in the
 117 event of a tie vote of the district school board chair and
 118 district school board members acting in any capacity, the side
 119 on which the district school board chair voted shall be deemed
 120 to prevail. For purposes of any vote of the district school
 121 board chair and district school board members acting in any
 122 capacity, action taken pursuant to that side of a tie vote on
 123 which the district school board chair voted satisfies the
 124 requirement that action be taken by a "majority" vote or a
 125 "simple majority" vote. This section applies only to those
 126 counties organized by charter that have a population of between
 127 800,000 and 900,000 according to the last federal decennial
 128 census.

129 Section 4. Section 1001.371, Florida Statutes, is amended
 130 to read:

131 1001.371 Organization of district school board.--On the
 132 third Tuesday after the first Monday in November of each year,
 133 the district school board shall organize by electing a chair. It
 134 may elect a vice chair, and the district school superintendent
 135 shall act ex officio as the secretary. If a vacancy should occur
 136 in the position of chair, the district school board shall
 137 proceed to elect a chair at the next ensuing regular or special
 138 meeting. At the organization meeting, the district school
 139 superintendent shall act as chair until the organization is
 140 completed. The chair and secretary shall then make and sign a

ENROLLED

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2006 Legislature

141 | copy of the proceedings of organization, including the schedule
142 | for regular meetings and the names and addresses of all district
143 | school officers, and annex their affidavits that the same is a
144 | true and correct copy of the original, and the secretary shall
145 | file the document within 2 weeks with the Department of
146 | Education. This section does not apply to any school district
147 | with a district school board chair who is elected by
148 | districtwide vote.

149 | Section 5. This act shall take effect July 1, 2006.