

By Senator Webster

9-1179-06

See HB

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

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 1001.364, Florida Statutes, is
20 created to read:

21 1001.364 Alternate procedure for election of district
22 school board chair.--

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

30 (2) A proposition calling for the district school
31 board chair to be elected by districtwide vote shall be

1 submitted to the electors of the school district at any
2 primary, general, or otherwise-called special election in
3 either of the following manners:

4 (a) The district school board may adopt a formal
5 resolution directing that the proposition be placed on the
6 ballot; or

7 (b) The electors of the school district may petition
8 to have the proposition placed on the ballot by presenting to
9 the district school board petitions signed by not less than 10
10 percent of the duly qualified electors residing within the
11 school district. The number of signatures required shall be
12 determined by the supervisor of elections according to the
13 number of registered electors in the school district as of the
14 date the petitioning electors register as a political
15 committee as provided in subsection (3).

16 (3) The electors petitioning to have the proposition
17 placed on the ballot shall register as a political committee
18 pursuant to s. 106.03, and a specific person shall be
19 designated therein as chair of the committee to act for the
20 committee.

21 (4) Each petition form circulated shall include the
22 following wording:

23
24 As a registered elector of the school district
25 of _____ County, Florida, I am petitioning for a
26 referendum election to determine whether the
27 district school board chair shall be elected by
28 districtwide vote.

29
30 The petition shall also include space for the signature and
31 address of the elector. Each signature obtained shall be dated

1 when made and is valid for a period of 4 years after that
2 date.

3 (5) Upon the filing of the petitions with the district
4 school board by the chair of the committee, the district
5 school board shall submit the petitions to the supervisor of
6 elections for verification of the signatures. Within a period
7 of not more than 30 days, the supervisor of elections shall
8 determine whether the petitions contain the required number of
9 valid signatures. The supervisor of elections shall be paid by
10 the committee seeking verification the sum of 10 cents for
11 each signature checked.

12 (6) If it is determined that the petitions have the
13 required signatures, the supervisor of elections shall certify
14 the petitions to the district school board, which shall adopt
15 a formal resolution requesting that an election date be set to
16 conform to the earliest primary, general, or otherwise-called
17 special election that occurs not less than 30 days after
18 certification of the petitions. If it is determined that the
19 petitions do not contain the required signatures, the
20 supervisor of elections shall so notify the district school
21 board, which shall file the petitions without taking further
22 action, and the matter shall be at an end. No additional
23 signatures may be added to the petitions, and the petitions
24 may not be used in any other proceeding.

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

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

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

6 (10) The vice chair of the district school board shall
7 be elected by the members of the district school board as
8 provided in s. 1001.371.

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

11 Section 2. Section 1001.365, Florida Statutes, is
12 created to read:

13 1001.365 Votes by district school board chair and
14 district school board members.--Unless otherwise provided by
15 law, in the event of a tie vote of the district school board
16 chair and district school board members acting in any
17 capacity, the side on which the district school board chair
18 voted shall be deemed to prevail. For purposes of any vote of
19 the district school board chair and district school board
20 members acting in any capacity, action taken pursuant to that
21 side of a tie vote on which the district school board chair
22 voted satisfies the requirement that action be taken by a
23 "majority" vote or a "simple majority" vote.

24 Section 3. Section 1001.371, Florida Statutes, is
25 amended to read:

26 1001.371 Organization of district school board.--On
27 the third Tuesday after the first Monday in November of each
28 year, the district school board shall organize by electing a
29 chair. It may elect a vice chair, and the district school
30 superintendent shall act ex officio as the secretary. If a
31 vacancy should occur in the position of chair, the district

1 school board shall proceed to elect a chair at the next
2 ensuing regular or special meeting. At the organization
3 meeting, the district school superintendent shall act as chair
4 until the organization is completed. The chair and secretary
5 shall then make and sign a copy of the proceedings of
6 organization, including the schedule for regular meetings and
7 the names and addresses of all district school officers, and
8 annex their affidavits that the same is a true and correct
9 copy of the original, and the secretary shall file the
10 document within 2 weeks with the Department of Education. This
11 section does not apply to any school district with a district
12 school board chair who is elected by districtwide vote.

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