

By the Committees on Ethics and Elections; Education; and
Senator Webster

582-2370-06

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

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

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

1 school board chair to be elected directly by the electors of
2 the school district.

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

5 1001.364 Alternate procedure for election of district
6 school board chair.--

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

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

19 (a) The district school board may adopt a formal
20 resolution directing that the proposition be placed on the
21 ballot; or

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

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

6 (4) Each petition form circulated shall include the
7 following wording:

8
9 As a registered elector of the school district
10 of County, Florida, I am petitioning for a
11 referendum election to determine whether the
12 district school board chair shall be elected by
13 districtwide vote.

14
15 The petition shall also include space for the signature and
16 address of the elector. Each signature obtained shall be dated
17 when made and is valid for a period of 4 years after that
18 date.

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

28 (6) If it is determined that the petitions have the
29 required signatures, the supervisor of elections shall certify
30 the petitions to the district school board, which shall adopt
31 a formal resolution requesting that an election date be set to

1 conform to the earliest primary, general, or otherwise-called
2 special election that occurs not less than 30 days after
3 certification of the petitions. If it is determined that the
4 petitions do not contain the required signatures, the
5 supervisor of elections shall so notify the district school
6 board, which shall file the petitions without taking further
7 action, and the matter shall be at an end. No additional
8 signatures may be added to the petitions, and the petitions
9 may not be used in any other proceeding.

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

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

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

22 (10) The vice chair of the district school board shall
23 be elected by the members of the district school board as
24 provided in s. 1001.371.

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

28 Section 3. Section 1001.365, Florida Statutes, is
29 created to read:

30 1001.365 Votes by district school board chair and
31 district school board members.--Unless otherwise provided by

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

13 Section 4. Section 1001.371, Florida Statutes, is
14 amended to read:

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

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

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 CS/Senate Bill 2252

8 The committee substitute for CS/SB 2252 specifically changes
9 the population classification within the bill from between
10 800,000 and 1 million to between 800,000 and 900,000.

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