

By Senator Gruters

22-00571-23

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1                   A bill to be entitled  
2           An act relating to district school board elections;  
3           amending s. 105.051, F.S.; requiring that candidates  
4           for the office of school board member be placed on the  
5           general election ballot if no more than two candidates  
6           qualify; requiring that a primary election be held if  
7           more than two candidates qualify for the office of  
8           school board member; specifying that the two  
9           candidates receiving the highest number of votes at  
10          the primary election advance to the general election;  
11          conforming provisions to changes made by the act;  
12          providing an effective date.

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

15  
16           Section 1. Present paragraph (c) of subsection (1) of  
17           section 105.051, Florida Statutes, is redesignated as paragraph  
18           (d), a new paragraph (c) is added to that subsection, and  
19           paragraph (b) of that subsection is amended, to read:

20           105.051 Determination of election or retention to office.—

21           (1) ELECTION.—In circuits and counties holding elections:

22           (b) If two or more candidates, neither of whom is a write-  
23           in candidate, qualify for the office of circuit judge or county  
24           court judge ~~such an office~~, the names of those candidates must  
25           ~~shall~~ be placed on the ballot at the primary election. If any  
26           candidate for the office of circuit judge or county court judge  
27           ~~such office~~ receives a majority of the votes cast for the ~~such~~  
28           office in the primary election, the name of the candidate who  
29           receives a a ~~such~~ majority may ~~shall~~ not appear on any other

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30 ballot unless a write-in candidate has qualified for such  
31 office. An unopposed candidate is ~~shall be~~ deemed to have voted  
32 for himself or herself at the general election. If no candidate  
33 for the office of circuit judge or county court judge ~~such~~  
34 ~~office~~ receives a majority of the votes cast for the ~~such~~ office  
35 in the primary election, the names of the two candidates  
36 receiving the highest number of votes for the ~~such~~ office must  
37 ~~shall~~ be placed on the general election ballot. If more than two  
38 candidates receive an equal and highest number of votes, the  
39 name of each candidate receiving an equal and highest number of  
40 votes must ~~shall~~ be placed on the general election ballot. In  
41 any contest in which there is a tie for second place and the  
42 candidate placing first did not receive a majority of the votes  
43 cast for the ~~such~~ office, the name of the candidate placing  
44 first and the name of each candidate tying for second must ~~shall~~  
45 be placed on the general election ballot.

46 (c)1. If no more than two candidates, neither of whom is a  
47 write-in candidate, qualify for a district school board seat,  
48 the names of each candidate must be placed on the general  
49 election ballot.

50 2. If more than two candidates, neither of whom is a write-  
51 in candidate, qualify for a district school board seat, the  
52 names of those candidates must be placed on the ballot at the  
53 primary election. The two candidates receiving the highest  
54 number of votes in the primary election, even if a candidate  
55 receives a majority of the votes cast, shall advance to the  
56 general election and must be placed on the general election  
57 ballot. If more than two candidates receive an equal and highest  
58 number of votes, the name of each candidate receiving an equal

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59 and highest number of votes must be placed on the general  
60 election ballot. In any contest in which there is a tie for  
61 second place and the candidate placing first did not receive a  
62 majority of the votes cast for such office, the name of the  
63 candidate placing first and the name of each candidate tying for  
64 second must be placed on the general election ballot.

65 Section 2. This act shall take effect July 1, 2023.