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HB411, Engrossed 1

2023 Legislature

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 2 An act relating to residency of local elected
 3 officials; amending s. 124.01, F.S.; prohibiting
 4 changes to county commissioner district boundaries
 5 during a specified timeframe; prohibiting the
 6 consideration of the residential addresses of certain
 7 persons during the district-drawing process for boards
 8 of county commissioners; providing construction;
 9 creating s. 166.0321, F.S.; requiring municipalities
 10 to fix the boundaries of their districts in a certain
 11 manner; prohibiting changes to municipal district
 12 boundaries during a specified timeframe; prohibiting
 13 the consideration of the residential addresses of
 14 certain persons during the district-drawing process;
 15 providing construction; amending s. 1001.36, F.S.;
 16 prohibiting changes to district school board member
 17 residence area boundaries during a specified
 18 timeframe; prohibiting the consideration of the
 19 residential addresses of certain persons during the
 20 residence-area-drawing process for district school
 21 boards; providing construction; amending s. 1001.361,
 22 F.S.; providing that an elected candidate for district
 23 school board must reside in the district school board
 24 member residence area by the date she or he assumes
 25 office instead of upon qualifying for office; making

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26 technical changes; providing an effective date.

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

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30 Section 1. Subsection (3) of section 124.01, Florida
31 Statutes, is amended to read:

32 124.01 Division of counties into districts; county
33 commissioners.—

34 (3) The board of county commissioners shall, from time to
35 time, fix the boundaries of the county commissioners' ~~above~~
36 districts so as to keep them as nearly equal in proportion to
37 population as practicable, ~~possible;~~ ~~provided,~~ that changes made
38 in the boundaries of county commissioner districts pursuant to
39 this section ~~may not shall~~ be made ~~only~~ in the 270 days before a
40 regular general election for the board of county commissioners
41 odd-numbered years. Districts may not be drawn with the intent
42 to favor or disfavor a candidate for county commission or an
43 incumbent county commissioner based on the candidate's or
44 incumbent's residential address. Any ordinance enacted or
45 adopted by a county on or after July 1, 2023, which is in
46 conflict with this subsection is void.

47 Section 2. Section 166.0321, Florida Statutes, is created
48 to read:

49 166.0321 Division of municipalities into districts.—Each
50 municipality shall, from time to time, fix the boundaries of its

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51 districts so as to keep them as nearly equal in proportion to
 52 their respective populations as practicable, provided that such
 53 changes may not be made in the 270 days before a regular general
 54 election for the governing body of the municipality. Districts
 55 may not be drawn with the intent to favor or disfavor a
 56 candidate for member of the governing body or an incumbent
 57 member of the governing body based on the candidate's or
 58 incumbent's residential address. Any ordinance enacted or
 59 adopted by a municipality on or after July 1, 2023, which is in
 60 conflict with this section is void.

61 Section 3. Subsection (2) of section 1001.36, Florida
 62 Statutes, is amended to read:

63 1001.36 District school board member residence areas.—

64 (2) A ~~Any~~ district school board may make any change that
 65 it deems necessary in the boundaries of any district school
 66 board member residence area at any meeting of the district
 67 school board, provided that such changes are not ~~shall be~~ made
 68 ~~only~~ in the 270 days before a general election ~~odd-numbered~~
 69 ~~years~~ and that no change that would affect the residence
 70 qualifications of any incumbent member disqualifies ~~shall~~
 71 ~~disqualify~~ such incumbent member during the term for which he or
 72 she is elected. Residence areas may not be drawn with the intent
 73 to favor or disfavor a candidate for district school board
 74 member or an incumbent district school board member based on the
 75 candidate's or incumbent's residential address. Any resolution

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76 adopted by a district school board on or after July 1, 2023,
 77 which is in conflict with this subsection is void.

78 Section 4. Section 1001.361, Florida Statutes, is amended
 79 to read:

80 1001.361 Election of board by districtwide vote.—
 81 Notwithstanding any provision of local law or any county
 82 charter, the election of members of the district school board
 83 must ~~shall~~ be by vote of the qualified electors of the entire
 84 district in a nonpartisan election as provided in chapter 105.
 85 Each elected candidate for district school board member must
 86 ~~shall~~, by the date at the time she or he assumes office
 87 ~~qualifies~~, be a resident of the district school board member
 88 residence area from which she or he was elected ~~the candidate~~
 89 ~~seeks election~~. Each candidate who qualifies to have her or his
 90 name placed on the ballot must ~~shall~~ be listed according to the
 91 district school board member residence area in which she or he
 92 is a candidate ~~resides~~. Each qualified elector of the district
 93 is ~~shall be~~ entitled to vote for one candidate from each
 94 district school board member residence area. The candidate from
 95 each district school board member residence area who receives
 96 the highest number of votes in the general election shall be
 97 elected to the district school board.

98 Section 5. This act shall take effect July 1, 2023.