

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 444

INTRODUCER: Senator Ingoglia

SUBJECT: District School Board Elections

DATE: March 6, 2023

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	<b>Pre-meeting</b>
2.	_____	_____	ED	_____
3.	_____	_____	RC	_____

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**I. Summary:**

Current law requires a candidate for school board to be a resident of the district in which he or she seeks election at the time he or she qualifies to run for the office. This bill changes the time at which the residency requirement must be met to the time at which an elected school board member assumes office.

The bill takes effect July 1, 2023.

**II. Present Situation:**

Many elected offices require that the public officials holding them live within a specified district or area. Unless otherwise provided for constitutionally, legislatively, or judicially, any residency requirement for an elected office must be met at the time of assuming office.<sup>1</sup> Some offices with specified residency requirements are below.

Office	Point at Which Residency Requirement Must be Met
City commissioner	At time of assuming office, unless otherwise provided by city charter or ordinance <sup>2</sup>
Congressional member (U.S. Senator or U.S. Representative)	At time of election <sup>3</sup>
County commissioner	At time of election <sup>4</sup>

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<sup>1</sup> “Guidelines for Determining When Residency Qualifications for Elected Office Must be Met,” Florida Division of Elections, DE Reference Guide 0008, updated 10/2018.

<sup>2</sup> See *Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Marina v. Leahy*, 578 So.2d 382; and Division of Elections opinions 94-04 and 92-10.

<sup>3</sup> Article 1, ss. 2 and 3, U.S. CONST.

<sup>4</sup> See *State v. Grassi*, 532 So.2d 1055 (Fla. 1988); Art. VII, s. 1(e), FLA. CONST.; Division of Elections opinions 92-10 and 94-04; and Attorney General Opinion 74-293.

Constitutional county officers (clerk of court, supervisor of elections, property tax appraiser, sheriff)	At time of assuming office <sup>5</sup>
Governor, Lieutenant Governor, or Cabinet member	At time of election <sup>6</sup>
Judge	At time of assuming office <sup>7</sup>
State legislators	At time of election <sup>8</sup>
School board members	At time of qualifying <sup>9</sup>
School superintendent	At time of assuming office <sup>10</sup>

**III. Effect of Proposed Changes:**

The bill brings the residency requirement for school board members more in line with those for other offices by providing that a school board member must meet the residency requirement at the time he or she assumes office.

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

<sup>5</sup> See Division of Elections opinions 90-30, 92-10, and 94-04.

<sup>6</sup> Article IV, s. 5, FLA. CONST.

<sup>7</sup> See Art. V, s. 8, FLA. CONST.; and Division of Elections opinions 78-31 and 94-04.

<sup>8</sup> See *Ruiz v. Farias*, 43 So.3d 124 (Fla. 3DCA 2010).

<sup>9</sup> See ss. 1001.34 and 1001.361, F.S.; and Division of Elections opinions 82-02 and 94-04.

<sup>10</sup> See Division of Elections opinion 94-04.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1001.361, Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.