

By the Committee on Rules; and Senator Ingoglia

595-04049-23

2023444c1

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

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsection (3) of section 124.01, Florida  
27           Statutes, is amended to read:

28           124.01 Division of counties into districts; county  
29           commissioners.—

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

42 Section 2. Section 166.0321, Florida Statutes, is created  
43 to read:

44 166.0321 Division of municipalities into districts.—Each  
45 municipality shall, from time to time, fix the boundaries of its  
46 districts so as to keep them as nearly equal in proportion to  
47 their respective populations as practicable, provided that such  
48 changes are made only in odd-numbered years. Districts may not  
49 be drawn with the intent to favor or disfavor a candidate for  
50 member of the governing body or an incumbent member of the  
51 governing body based on the candidate's or incumbent's  
52 residential address. Any ordinance enacted or adopted by a  
53 municipality on or after July 1, 2023, which is in conflict with  
54 this section is void.

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

57 1001.36 District school board member residence areas.—

58 (2) ~~A Any~~ district school board may make any change that it

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59 deems necessary in the boundaries of any district school board  
60 member residence area at any meeting of the district school  
61 board, provided that such changes are ~~shall be~~ made only in odd-  
62 numbered years and that no change that would affect the  
63 residence qualifications of any incumbent member disqualifies  
64 ~~shall disqualify~~ such incumbent member during the term for which  
65 he or she is elected. Residence areas may not be drawn with the  
66 intent to favor or disfavor a candidate for district school  
67 board member or an incumbent district school board member based  
68 on the candidate's or incumbent's residential address. Any  
69 resolution adopted by a district school board on or after July  
70 1, 2023, which is in conflict with this subsection is void.

71 Section 4. Section 1001.361, Florida Statutes, is amended  
72 to read:

73 1001.361 Election of board by districtwide vote.-  
74 Notwithstanding any provision of local law or any county  
75 charter, the election of members of the district school board  
76 must ~~shall~~ be by vote of the qualified electors of the entire  
77 district in a nonpartisan election as provided in chapter 105.  
78 Each elected candidate for district school board member must  
79 ~~shall,~~ by the date at the time she or he assumes office  
80 ~~qualifies,~~ be a resident of the district school board member  
81 residence area from which she or he was elected ~~the candidate~~  
82 ~~seeks election.~~ Each candidate who qualifies to have her or his  
83 name placed on the ballot must ~~shall~~ be listed according to the  
84 district school board member residence area in which she or he  
85 is a candidate ~~resides.~~ Each qualified elector of the district  
86 is ~~shall be~~ entitled to vote for one candidate from each  
87 district school board member residence area. The candidate from

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88 each district school board member residence area who receives  
89 the highest number of votes in the general election shall be  
90 elected to the district school board.

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