



2021-2022

CHARTER REVIEW COMMISSION AGENDA REPORT

MEETING DATE:

AGENDA ITEM NUMBER:

SUBJECT:

PETITIONER CONTACT:

REQUESTED ACTION:

SUMMARY EXPLANATION & BACKGROUND:

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2021-2022

CHARTER REVIEW COMMISSION AGENDA REPORT

SUMMARY EXPLANATION & BACKGROUND CONTINUED:

**PROPOSAL TO REPEAL ARTICLE 8. SCHOOL BOARD OF BREVARD COUNTY
AND SECTION 8.1. ELECTION OF SCHOOL BOARD MEMBERS**

Blaise Trettis (proponent), member of the 2021-22 Brevard County Charter Review Commission proposes the repeal of ARTICLE 8. SCHOOL BOARD OF BREVARD COUNTY and repeal of SECTION 8.1. ELECTION OF SCHOOL BOARD MEMBERS as indicated below by the stricken words:

**ARTICLE 8
SCHOOL BOARD OF BREVARD COUNTY**

SECTION 8.1. ELECTION OF SCHOOL BOARD MEMBERS

~~Members of the School Board of Brevard County elected after January 1, 1999, shall be elected on a single member representation basis as follows: The school district shall be divided into school board residence areas, one for each seat on the school board, the areas together covering the entire school district and being as nearly equal in population as is practicable, as provided by general law. Each school board member shall reside in one residential area at the time of qualifying for office and shall continue to reside in the area for which the member was elected throughout the term of office as a qualification to hold the office. School board members shall be nominated and elected only by the qualified electors who reside in the same residential area as the member. All members shall be elected for four year terms, staggered. This provision shall not affect the members of the school board who are in office on January 1, 1999, who shall serve the remainder of their terms of office as if this provision had not been adopted. (Amd. 11-3-98)~~

1. REASON FOR PROPOSAL

Article 8. School Board of Brevard County and section 8.1. Election of School Board Members became part of the Brevard County Charter as a result of the vote of the electorate at the 1998 general election.

The question on the 1998 ballot and the vote result was as follows¹:

PROPOSED CHARTER AMENDMENT NO. 4

SINGLE-MEMBER ELECTION OF SCHOOL BOARD MEMBERS

Shall the Brevard County Charter be amended to provide that the school board members of Brevard County shall be elected to office from single-member residence areas by electors residing in each of those areas only?

YES

NO

County Charter Amendment 4 - Single-Member Election of School Board Members

Yes	80,304	58.51%
No	56,935	41.49%

¹ From email correspondence from Supervisor of Elections from March 15, 2022.

Proponent submits that the 1998 Article 8 amendment to the Charter was inconsistent with the Florida Constitution and general law and was consequentially legally invalid from its approval to today. Proponent submits that this invalid 1998 Charter amendment needs to be repealed so that school board elections in Brevard County will be conducted in accordance with section 1001.361 Florida Statute (2021) in which each qualified elector (i.e. registered voter) “shall be entitled to vote for one candidate from each district school board member residence area. The candidate from each district school board member residence area who receives the highest number of votes in the general election shall be elected to the district school board.” See s. 1001.361 Fla. Stat. (2021).

The 1998 Article 8 amendment to the Brevard County Charter was done contrary to Florida statutes. In 1998, section 230.10 Fla. Stat. (1998) provided that, “The election of members of the school board shall be by vote of the qualified electors of the entire district.” A school district is comprised of the entire county. See s. 230.061(1) Fla. Stat. (1998). Pursuant to Florida statutes, the school district (i.e. the entire county) can be divided into five single-member school board election residence areas if: 1) the school board adopts a formal resolution directing an election to place the proposition on the ballot or; 2) the electors of the school district petition to have the proposition placed on the ballot by getting not less than ten percent of the qualified electors to sign petitions for elections from single-member representation residence areas in which only electors of the residence area can vote for the school board candidates who reside in their residence area. See s. 230.105(3) Fla. Stat. (1998).

Florida statutes have never authorized Charter counties to create single-member school board elections by residence area by amendment of the county Charter. The two methods delineated above for creation of single-member school board election by residence area are the only methods authorized by Florida statutes.

The District School Boards statutes were re-numbered in an overhaul of the Florida statutes in the year 2002 when K-20 Governance was created in Chapter 1001 Florida statutes. See Ch. 2002-387, Laws of Fla. Although some technical language was added in this 2002 overhaul of K-20 Governance, the statutes were not substantively changed. The statute sections today which are substantively the same as the 1998 sections aforementioned are at s. 1001.34 Fla. Stat. (2021), s. 1001.36 Fla. Stat. (2021), s. 1001.361 Fla. Stat. (2021), s. 1001.362 Fla. Stat. (2021).

The 1998 Article 8 School Board of Brevard County amendment to the Charter was done contrary to Article VIII, section 1 (g) Florida Constitution, which reads in part: “(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.” The 1998 amendment to the Brevard Charter was also done contrary to s. 125.01 Fla. Stat. which provides that county government shall have the power to carry on county government to the extent not inconsistent with general or special law.

2. The Opinion of Brevard County Charter Review Commission Attorney Paul Gougelman.

Commission attorney Paul Gougelman, in his March 13, 2022 memorandum to the commission, has opined that Article 8 of the Brevard County Charter is not consistent with the Florida Constitution or general law. Attorney Gougelman’s opinion at paragraphs 5 and 6 at page 2, says:

“5) Per Ms. Schmitt: Article 8 of the Charter provides for school board members to be elected from single member districts. Is Article 8 legal? What can the County do and not do with regard to school board? ANSWER: More likely than not, were this issue submitted to a court of law, the court would find that the inclusion in the County Charter of language providing for the election of school board members from single-member districts is not consistent with the Florida Constitution or general law. See Analysis, Section II.D. and III., below.

6) Per Mr. Trettis: What is the effect of a local bill presented by State Rep. Fine regarding providing for single member school board electoral districts? ANSWER: The legislation did not pass the Florida Legislature. As a result, the Charter’s Article 8 providing for single-member School Board district elections appears inconsistent general law. See Analysis, Section II.D., below.”

3. Preemption by the Legislature of the Creation of Single-Member School Board Elections by Residence Area.

Proponent submits that the Florida Legislature has preempted Charter counties from creating single-member school board elections by residence area in the county Charter because the legislature’s statute specifically delineates the two ways in which single member school board elections by residence area can be created. See s. 230.105(3) Fla. Stat. (1998); s. 1001.362(3) Fla. Stat. (2021). Proponent submits that the legislature’s specificity in its single member school board election scheme and the legislature’s pervasiveness in this specific subject matter of the creation of single-member school board election by residence area is compelling evidence of the legislature’s intent to preempt from the counties the authority to create single-member school board elections by residence area and there are strong public policy reasons to find that the creation of single-member school board elections by residence area has been preempted by the legislature. See *Tallahassee Memorial Regional Medical Center v. Tallahassee Medical Center, Inc.* 681 So. 2d 826, 831 (Fla 1st DCA 1996), accord, *D’Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017). The public policy which is advanced by legislative preemption is the statewide uniformity that results from preemption. For example, s. 1001.362(3) Fla. Stat. (2021) requires that only a majority of a county’s electorate is needed to vote to create single-member school board elections by residence area. Conversely, a county Charter could impose the requirement that 60% of the electorate must vote “yes” to create single-member school board elections by residence area – just as amendments to the Florida Constitution must attain 60% “yes” vote to pass. See Article XI, section 5 (e) Florida Constitution.

Judicial rules of statutory rules of construction support the argument that the legislature has preempted counties from creating, by charter amendment, single-member school board elections by residence area. It is a general principle of statutory construction that the mention of one thing implies the exclusion of another. The Latin phrase for this statutory rule of construction is *expressio unius est exclusio alterius*. See *Moonlit Waters Apartments, Inc. v. Cauley*, 666 So. 2d 898 (Fla. 1996); *Thayer v. State*, 335 So. 2d 815 (1976); *Dobbs v. Sea Isle Hotel*, 56 So. 2d 341 (Fla. 1952). Where a statute enumerates the things on which it is to operate, it is ordinarily to be construed as excluding from its operation all those not expressly mentioned. *Thayer v. State, supra*. In other words, when a statute expressly describes a particular situation in which something should apply, an inference must be drawn that what is not included by specific reference was intended to be excluded. *Gay v. Singletary*, 700 So. 2d 1220 (Fla. 1997).

Applying the above rule of statutory construction to s. 1001.362(3) Fla. Stat. (2021), proponent submits that the legislature intended to exclude Charter amendment as a means to create single-member school board elections by residence area as demonstrated by the legislature's specific enumeration in s. 1001.362(3) that resolution of the school board and citizen petition followed by majority vote of the electorate of the entire county are the two exclusive methods for creation of single-member school board election by residence area.

There is language in s. 1001.361 Fla. Stat. (2021) which arguably expressly preempts a county's authority to create single-member school board elections by residence area: "1001.361 **Election of board by districtwide vote.** Notwithstanding any provision of local law or any county charter (emphasis added), the election of members of the district school board shall be by vote of the qualified electors of the entire district in a nonpartisan election as provided in chapter 105."

Proponent submits that in the above language the legislature explicitly prevents county Charters from changing districtwide school board elections to single member elections by residence area as was done in the 1998 amendment to the Brevard County Charter in Article 8 of the Charter.

4. School Board Election Results are Subject to Successful Legal Challenge in Brevard County.

Proponent submits that section 8.1. of the Brevard County Charter makes school board election results subject to successful legal challenge in Brevard County. A school board candidate who loses election for school board, or any Brevard County registered voter, can file a well-founded lawsuit in Circuit Court challenging the winning candidate's lawful authority to assume office of school board on the grounds that the winning candidate was not elected by the electors of the entire district (i.e. the entire county). See s. 1001.361 Fla. Stat. (2021), s. 1001.30 Fla. Stat. (2021) "Each county shall constitute a school district and shall be known as the school district of _____ County, Florida." The losing candidate's lawsuit or the registered voter's lawsuit, likely a petition for writ of quo warranto, will argue that Article 8.1. of the Brevard County Charter which purportedly creates single-member school board elections by residence area, was unlawfully created in 1998; that it is inconsistent with Article VIII, section 1 (g) of the Florida Constitution and is inconsistent with s. 1001.362 (3) Fla. Stat. (2021). Proponent submits that the losing candidate, or registered voter, will likely prevail in their lawsuit; that the Circuit Court will rule that the winning candidate was not elected validly by law because he or she was not elected by the electorate of the entire school district, i.e., the entire county. Proponent submits that a new, district wide (i.e. countywide) election may be ordered by the Circuit Court at significant cost to the taxpayers of Brevard County. Proponent submits that this bad outcome should be avoided in future years by the repeal of Article 8 and Article 8, section 8.1. of the Brevard County Charter.

5. Argument for Districtwide (i.e., county-wide) Election of School Board Members

In addition to the legal argument above for repeal of Article 8 of the Charter, proponent submits that the electors of Brevard County should have the opportunity to re-visit the 1998 vote to create single-member school board elections by residence area. This is because of the nationwide focus on the importance of school boards in the modern era of face mask mandates by school boards like that of the Brevard School Board, the teaching of critical race theory in school, and transgender policy of the Brevard School Board which, from kindergarten through 12th grade: 1) permits boys to dress as girls; 2) requires all school employees to call

“transgender” boys pronouns “she, her, hers” and “transgender” girls to be called “he, him, his”; 3) requires all school employees to call K-12 students by the name that they want to be called. For example, 7 year old Johnathan must be called Rebecca if the child says so; 4) requires schools to issue identification badges which use this false name of the child; 5) forces schools to allow boys to use the girls’ toilets, girls’ locker rooms, and girls’ shower; 6) forces schools to allow girls to use the boys’ toilets, boys’ locker rooms, and boys’ showers; 7) requires all school employees to not inform the students’ parents or guardian that the student, while at school, assumes the identity, mannerism, dress, pronouns, of the opposite sex. This part of the Brevard Public School transgender policy violates the Parental Rights in Education Act passed by the 2022 Florida Legislature; 8) provide website information to students to help them to decide to “transition” to the opposite sex.

With the above policy decisions made by school boards, including the Brevard County School Board, proponent submits that the electors of Brevard County are likely to vote to repeal Article 8 of the Charter so that the electors can again vote in every school board residence area race to vote-out of office the school board members who have adopted the policies described above.

Repeal of Article 8 is also supported by s. 1001.363 Fla. Stat. (2021) which says, “Each district school board of each district shall represent the entire district. Each member of the district school board shall serve as the representative of the entire district, rather than as the representative of a district school board member residence area.” When the electors of Brevard County are informed of this districtwide representation required by Florida law, the electors are likely to vote for the repeal of Article 8.

Service of Proposal.

This proposal was sent by e-mail delivery on March 23, 2022, to the members of the 2021-22 Brevard County Charter Review Commission; commission attorney Paul R. Gougelman; Brevard County government employees Melissa Brandt and Jim Liesenfelt.



These guidelines were established to ensure the safety of every student is met, including our students who identify as or are perceived to be lesbian, gay, bisexual, transgender, or questioning (LGBTQ). We believe through these guidelines we can serve every student with excellence as the standard.

Gender Expression

External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.


Gender Identity

One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.


Sexual Orientation

One's emotional, romantic, or sexual attraction to others.

LGBTQ+ Student/School Support

 Lisa Elam, Content Specialist,
Bullying and Harassment
Prevention

 Elam.lisa@brevardschools.org

 (321) 633-1000 Ext: 11526

Anti-Bullying Resources

speakouthotline.org
1-800-423-TIPS

24-Hour Information and Crisis Hotline

thetrevorproject.org
1-866-488-7386
Text: START to 678678

Sources of Strength Support

 Janean Knight, Resource Teacher,
Student Services

 Knight.Janean@brevardschools.org

LGBTQ+ District Guidance



Action 1: Dress Code

All students may dress and present in ways that are consistent with their gender identity and expression, while still abiding by the Brevard Public Schools dress code, including at any school sponsored events and functions. This includes dances, graduation, JROTC, etc. The full-dress code can be found in Board Policy 5511 or within the code of student conduct.



Action 2: Names and Pronouns

All students are to be referred to by the gender pronoun and name consistent with their gender identity in verbal and written communication, i.e., in class, at assemblies, on school ID badges, and all other unofficial documents such as honor roll certificates and yearbook. Only "official" documents must use a student's legal name. Official documents include registration, report cards, diploma, standardized tests, student cum files, ISP/s/S504 Plans, before and after school registration documents.



Action 3: Restrooms/Locker Rooms

All students are allowed to access locker rooms and restrooms that are consistent with their gender identity or be provided appropriate accommodations. If accommodations are desired, decisions should be student driven and with district support on a case-by-case basis.



Action 4: School Events and Functions

All students may bring same-gender dates to any school sponsored event or function. This includes dances, graduation, JROTC, etc. All students shall be allowed to participate in school traditions, however if the tradition includes gender separated components, then all students may participate in a manner consistent to their gender identity.



Action 5: Interscholastic Athletics

In accordance with the SB 1021. Section 1006.205 (Fairness in Women's Sports Act), interscholastic, intercollegiate, intramural, or club athletic teams that are sponsored by a public secondary school must be expressly designated based on the biological sex at birth of team members; a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth.

Action 6: Clubs



All students have the right to form and participate in a GSA (Gay-Straight Alliance) or any LGBTQ+ related organization, including student named and generated clubs, as they would with any other club.

Action 7: Confidentiality/Identity



All LGBTQ+ students have the right to decide when and to whom their gender identity and sexual orientation is shared. School mental health providers and trusted adults are encouraged to support students in determining a safe and affirming learning environment.

Action 8: Pride



All faculty, staff, and students are afforded the same rights and protections under district, state, and federal policy. It is imperative that students, school staff, and other adults feel safe, included, and empowered on our school campuses, and at school related events and functions.

*Action items are subject to change as determined by changes to statutes and law.

Non-Discrimination Policy

The School Board of Brevard County, Florida does not discriminate on the basis of race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information or any other factor protected under applicable federal, state, or local law.

The district also provides equal access to its facilities to youth groups, as required by the Boy Scouts of America Equal Access Act. The School Board of Brevard County is in compliance with the Americans with Disabilities Act of 1990 (ADA) and the Amendment Act of 2008 (ADAA), the Florida Education Equity Act of 1984, Age Discrimination Act of 1967 and Section 504 of the Rehabilitation Act of 1973, Civil Rights Act of 1964 including: Title II, Title VI, and Title VII, United States Education Amendments of 1972 - Title IX, Age Discrimination in Employment Act (ADEA), and Individuals with Disabilities Act (IDEA).

Blaise Trettis

From: Carrie LeBeau
Sent: Tuesday, March 15, 2022 2:35 PM
To: Blaise Trettis
Subject: FW: records request

From: Records <records@votebrevard.gov>
Sent: Tuesday, March 15, 2022 2:34 PM
To: SOE <SOE@votebrevard.gov>; Carrie LeBeau <clebeau@pd18.net>
Cc: Records <records@votebrevard.gov>
Subject: RE: records request

Carrie,

I do not have actual ballots from that election, but this was the language that appeared on the 1998 General Election Ballot.

**PROPOSED CHARTER AMENDMENT NO. 4
SINGLE-MEMBER ELECTION OF SCHOOL BOARD MEMBERS**

Shall the Brevard County Charter be amended to provide that the school board members of Brevard County shall be elected to office from single-member residence areas by electors residing in each of those areas only?

YES
NO

And her were the results for that charter amendment.

County Charter Amendment 4 - Single-Member Election of School Board Members

Yes	80,304	58.51%
No	56,935	41.49%

Tim Bobanic, MFCEP

Director of IT and Election Systems
Brevard County Supervisor of Elections
(321) 633-2175 - Direct
(321) 633-2130 - Fax
tbobanic@votebrevard.gov

From: SOE <SOE@votebrevard.gov>
Sent: Tuesday, March 15, 2022 9:46 AM
To: Carrie LeBeau <clebeau@pd18.net>
Cc: Records <records@votebrevard.gov>
Subject: RE: records request

Your request has been received and will be responded to in a timely manner. Thank you.

The 1998 Florida Statutes

[Title XVI](#)
EDUCATION

[Chapter 230](#)
District School System

[View Entire Chapter](#)

230.10 Election of board by districtwide vote.--The election of members of the school board shall be by vote of the qualified electors of the entire district. Each candidate for school board member shall, at the time she or he qualifies, be a resident of the school board member residence area from which the candidate seeks election. Each candidate who qualifies to have her or his name placed on the ballot of the general election shall be listed according to the school board member residence area in which she or he resides. Each qualified elector of the district shall be entitled to vote for one candidate from each school board member residence area. The candidate from each school board member residence area who receives the highest number of votes in the general election shall be elected to the school board.

History.--s. 410, ch. 19355, 1939; CGL 1940 Supp. 892(73); s. 9, ch. 23726, 1947; s. 1, ch. 69-300; s. 2, ch. 88-334; s. 1223, ch. 95-147.

Select Year: 1998 ▼

The 1998 Florida Statutes

[Title XVI](#)
EDUCATION

[Chapter 230](#)
District School System

[View Entire Chapter](#)

230.061 School board member residence areas.--

(1) For the purpose of nominating and electing school board members, each district shall be divided into at least five district school board member residence areas, which shall be numbered one to five, inclusive, and which shall, as nearly as practicable, be equal in population.

(a) For those school districts, which have seven school board members, the district may be divided into five district school board member residence areas, with two school board members elected at large, or the district may be divided into seven district school board member residence areas. In the latter case, the residence areas shall be numbered one to seven inclusive and shall be equal in population as nearly as practicable.

(b) For those school districts which have seven school board members, the number of district school board member residence areas shall be determined by resolution passed by a majority vote of the district school board. No district school board shall be required to change the boundaries of the district school board member residence areas in accordance with the provisions of this act prior to July 1, 1981.

(2) The school board of any district may make any change which it deems necessary in the boundaries of any school board member residence area of the district at any meeting of the school board; provided that such changes shall be made only in odd-numbered years and provided further, that no change which would affect the residence qualifications of any incumbent member shall disqualify such incumbent member during the term for which he or she is elected.

(3) Such changes in boundaries shall be shown by resolutions spread upon the minutes of the school board, and shall be recorded in the office of the clerk of the circuit court, and shall be published at least once in a newspaper published in the district within 30 days after the adoption of the resolution, or, if there be no newspaper published in the district, shall be posted at the county courthouse door for 4 weeks thereafter. A certified copy of this resolution shall be transmitted to the Department of State.

History.--s. 3, ch. 57-249; s. 1, ch. 59-232; ss. 10, 35, ch. 69-106; s. 1, ch. 69-300; ss. 1, 2, ch. 77-276; s. 1222, ch. 95-147.

Select Year:

The 1998 Florida Statutes

[Title XVI](#)
EDUCATION

[Chapter 230](#)
District School System

[View Entire Chapter](#)

230.105 Alternate procedure for the election of district school board members to provide for single-member representation.--

(1) This section shall be known and may be referred to as "The School District Local Option Single-Member Representation Law of 1984."

(2) District school board members shall be nominated and elected to office in accordance with the provisions of ss. 230.061 and 230.10, or as otherwise provided by law, unless a proposition calling for single-member representation within the residence areas of the district is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (3).

(a) If the school board is composed of five members, such proposition shall provide that the five members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 230.061, each of whom shall be nominated and elected only by the qualified electors who reside in the same residence area as the member.

(b) If the school board is composed of seven members, at the option of the school board, such proposition shall provide that:

1. Five of the seven members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 230.061, each of whom shall be nominated and elected only by the qualified electors who reside in the same residence area as the member, and two of the seven members shall be nominated and elected at large; or

2. All seven members shall reside one in each of seven residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 230.061, each of whom shall be nominated and elected only by the qualified electors who reside in the same residence area as the member.

(c) All members shall be elected for 4-year terms, but such terms shall be staggered so that, alternately, one more or one less than half of the members elected from residence areas and, if applicable, one of the members elected at large from the entire district are elected every 2 years. Any member may be elected to an initial term of less than 4 years if necessary to achieve or maintain such system of staggered terms.

(3) A proposition calling for single-member representation within the residence areas of the district shall be submitted to the electors of the district at any primary, general, or otherwise-called special election, in either manner following:

(a) The district school board may adopt a formal resolution directing an election to be held to place the proposition on the ballot.

(b) The electors of the school district may petition to have the proposition placed on the ballot by presenting to the school board petitions signed by not less than 10 percent of the duly qualified electors residing within the school district. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the district as of the date the petitioning electors register as a political committee as provided in subsection (4).

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

(5)(a) Each petition form circulated for single-member representation within the residence areas of a district where the school board is composed of five members shall include the wording: "As a registered elector of the school district of _____ County, Florida, I am petitioning for a referendum election to determine whether the five school board members of said district shall be elected from single-member residence areas by electors residing in each of those areas only."

(b) Each petition form circulated for single-member representation within the residence areas of a district where the school board is composed of seven members, none of whom are to be elected at large, shall include the wording: "As a registered elector of the school district of _____ County, Florida, I am petitioning for a referendum election to determine whether the seven members of said district shall be elected from single-member residence areas by electors residing in each of those areas only."

(c) Each petition form circulated for single-member representation within the residence areas of a district where the school board is composed of seven members, two of whom are to be elected at large, shall include the wording: "As a registered elector of the school district of _____ County, Florida, I am petitioning for a referendum election to determine whether five of the seven school board members of said district shall be elected from single-member residence areas by electors residing in each of those areas only, with the two remaining members being elected at large."

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

(6) Upon the filing of the petitions with the district school board by the chair of the committee, the school board shall submit the petitions to the supervisor of elections for verification of the signatures. Within a period of not more than 30 days, the supervisor of elections shall determine whether the petitions contain the required number of valid signatures. The supervisor of elections shall be paid by the committee seeking verification the sum of 10 cents for each name checked.

(7) If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional names may be added to the petitions, and the petitions may not be used in any other proceeding.

(8) No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.

(9) Any district adopting any of the propositions set forth in this section may thereafter return to the procedures otherwise provided by law by following the same procedure outlined in subsection (3).

(10) No school board member elected prior to or at the election which approves any revision as permitted herein shall be affected in his or her term of office. The resolution adopted by the school board under paragraph (3)(a) or subsection (7) which presents the proposed revision to the electorate for approval shall specify an orderly method and procedure for implementing the revision contemplated in the resolution.

History.--s. 1, ch. 84-113; s. 43, ch. 85-80; s. 1224, ch. 95-147; s. 2, ch. 97-190.

system must be managed, controlled, operated, administered, and supervised as follows:

(1) **DISTRICT SYSTEM.**—The district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board.

(2) **DISTRICT SCHOOL BOARD.**—In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.

(3) **DISTRICT SCHOOL SUPERINTENDENT.**—Responsibility for the administration and management of the schools and for the supervision of instruction in the district shall be vested in the district school superintendent as the secretary and executive officer of the district school board, as provided by law.

(4) **SCHOOL PRINCIPAL OR HEAD OF SCHOOL.** Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required by s. 1001.42(18) shall be delegated to the school principal or head of the school or schools in accordance with rules established by the district school board.

History.—s. 38, ch. 2002-387; s. 25, ch. 2004-41; s. 8, ch. 2008-108.

1001.33 Schools under control of district school board and district school superintendent.—Except as otherwise provided by law, all public schools conducted within the district shall be under the direction and control of the district school board with the district school superintendent as executive officer.

History.—s. 39, ch. 2002-387; s. 28, ch. 2003-391; s. 9, ch. 2006-74.

A. District School Boards

- 1001.34 Membership of district school board.
 1001.35 Term of office.
 1001.36 District school board member residence areas.
 1001.361 Election of board by districtwide vote.
 1001.362 Alternate procedure for the election of district school board members to provide for single-member representation.
 1001.363 District school board members to represent entire district.
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1001.34 Membership of district school board.

(1) Each district school board shall be composed of not less than five members. Each member of the district school board shall be a qualified elector of the district in which she or he serves, shall be a resident of the district school board member residence area from which she or he is elected, and shall maintain said residency throughout her or his term of office.

(2) A district school board may modify the number of members on its board by adopting a resolution that establishes the total number of members on the board, which may not be less than five, and the number of members who shall be elected by residence areas or elected at large. The resolution must specify an orderly method and procedure for modifying the membership of the board, including staggering terms of additional members as necessary. If the resolution is adopted, the district school board shall submit to the electors for approval at a referendum held at the next primary or general election the question of whether the number of board members should be modified in accordance with the resolution adopted by the district school board. If the referendum is approved, election of additional school board members may occur at any primary, general, or otherwise-called special election.

History.—s. 41, ch. 2002-387; s. 15, ch. 2014-39.

1001.35 Term of office.—District school board members shall be elected at the general election in November for terms of 4 years.

History.—s. 42, ch. 2002-387.

1001.36 District school board member residence areas.—

(1) For the purpose of electing district school board members, each district shall be divided into at least five district school board member residence areas, which shall be numbered one to five, inclusive, and which shall, as nearly as practicable, be equal in population.

(a) For those school district school board divided into five district areas, with two district large, or the district school board member case, the residence seven inclusive and nearly as practicable.

(b) For those school district school board member determined by resolution of district school board.

(2) Any district school board member that it deems necessary school board member the district school board shall be made only in change that would affect any incumbent member during the term.

(3) Such changes resolutions spread upon school board, shall be of the circuit court, and in a newspaper published after the adoption of newspaper published the county courthouse certified copy of this the Department of State

History.—s. 43, ch. 2002-387.

1001.361 Election

Notwithstanding any charter, the election of board shall be by vote entire district in a not chapter 105. Each member shall, at the resident of the district area from which the candidate who qualifies on the ballot shall be school board member resides. Each qualified entitled to vote for a school board member from each district school who receives the highest election shall be elected.

History.—s. 44, ch. 2002-387.

1001.362 Alternating district school board single-member representation

(1) This section shall be as "The School District Representation Law of

(2) District school to office in accordance 1001.36 and 1001.36

(a) For those school districts, which have seven district school board members, the district may be divided into five district school board member residence areas, with two district school board members elected at large, or the district may be divided into seven district school board member residence areas. In the latter case, the residence areas shall be numbered one to seven inclusive and shall be equal in population as nearly as practicable.

(b) For those school districts which have seven district school board members, the number of district school board member residence areas shall be determined by resolution passed by a majority vote of the district school board.

(2) Any district school board may make any change that it deems necessary in the boundaries of any district school board member residence area at any meeting of the district school board, provided that such changes shall be made only in odd-numbered years and that no change that would affect the residence qualifications of any incumbent member shall disqualify such incumbent member during the term for which he or she is elected.

(3) Such changes in boundaries shall be shown by resolutions spread upon the minutes of the district school board, shall be recorded in the office of the clerk of the circuit court, and shall be published at least once in a newspaper published in the district within 30 days after the adoption of the resolution, or, if there be no newspaper published in the district, shall be posted at the county courthouse door for 4 weeks thereafter. A certified copy of this resolution shall be transmitted to the Department of State.

History.—s. 43, ch. 2002-387.

1001.361 Election of board by districtwide vote.

Notwithstanding any provision of local law or any county charter, the election of members of the district school board shall be by vote of the qualified electors of the entire district in a nonpartisan election as provided in chapter 105. Each candidate for district school board member shall, at the time she or he qualifies, be a resident of the district school board member residence area from which the candidate seeks election. Each candidate who qualifies to have her or his name placed on the ballot shall be listed according to the district school board member residence area in which she or he resides. Each qualified elector of the district shall be entitled to vote for one candidate from each district school board member residence area. The candidate from each district school board member residence area who receives the highest number of votes in the general election shall be elected to the district school board.

History.—s. 44, ch. 2002-387.

1001.362 Alternate procedure for the election of district school board members to provide for single-member representation.—

(1) This section shall be known and may be referred to as "The School District Local Option Single-Member Representation Law of 1984."

(2) District school board members shall be elected to office in accordance with the provisions of ss. 1001.36 and 1001.361, or as otherwise provided by

law, unless a proposition calling for single-member representation within the residence areas of the district is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (3).

(a) If the district school board is composed of five members, such proposition shall provide that the five members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 1001.36, each of whom shall be elected only by the qualified electors who reside in the same residence area as the member.

(b) If the district school board is composed of seven members, at the option of the school board, such proposition shall provide that:

1. Five of the seven members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 1001.36, each of whom shall be elected only by the qualified electors who reside in the same residence area as the member, and two of the seven members shall be elected at large; or

2. All seven members shall reside one in each of seven residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 1001.36, each of whom shall be elected only by the qualified electors who reside in the same residence area as the member.

(c) All members shall be elected for 4-year terms, but such terms shall be staggered so that, alternately, one more or one less than half of the members elected from residence areas and, if applicable, one of the members elected at large from the entire district are elected every 2 years. Any member may be elected to an initial term of less than 4 years if necessary to achieve or maintain such system of staggered terms.

(3) A proposition calling for single-member representation within the residence areas of the district shall be submitted to the electors of the district at any primary, general, or otherwise-called special election, in either manner following:

(a) The district school board may adopt a formal resolution directing an election to be held to place the proposition on the ballot.

(b) The electors of the school district may petition to have the proposition placed on the ballot by presenting to the school board petitions signed by not less than 10 percent of the duly qualified electors residing within the school district. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the district as of the date the petitioning electors register as a political committee as provided in subsection (4).

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

(5)(a) Each petition form circulated for single-member representation within the residence areas of a district where the school board is composed of five

members shall include the wording: "As a registered elector of the school district of ____ County, Florida, I am petitioning for a referendum election to determine whether the five school board members of said district shall be elected from single-member residence areas by electors residing in each of those areas only."

(b) Each petition form circulated for single-member representation within the residence areas of a district where the district school board is composed of seven members, none of whom are to be elected at large, shall include the wording: "As a registered elector of the school district of ____ County, Florida, I am petitioning for a referendum election to determine whether the seven members of said district shall be elected from single-member residence areas by electors residing in each of those areas only."

(c) Each petition form circulated for single-member representation within the residence areas of a district where the school board is composed of seven members, two of whom are to be elected at large, shall include the wording: "As a registered elector of the school district of ____ County, Florida, I am petitioning for a referendum election to determine whether five of the seven district school board members of said district shall be elected from single-member residence areas by electors residing in each of those areas only, with the two remaining members being elected at large."

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

(6) Upon the filing of the petitions with the district school board by the chair of the committee, the district school board shall submit the petitions to the supervisor of elections for verification of the signatures. Within a period of not more than 30 days, the supervisor of elections shall determine whether the petitions contain the required number of valid signatures. The supervisor of elections shall be paid by the committee seeking verification the sum of 10 cents for each name checked.

(7) If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional names may be added to the petitions, and the petitions may not be used in any other proceeding.

(8) No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.

(9) Any district adopting any of the propositions set forth in this section may thereafter return to the procedures otherwise provided by law by following the same procedure outlined in subsection (3).

(10) No district school board member elected prior to or at the election that approves any revision as permitted herein shall be affected in his or her term of office. The resolution adopted by the district school board under paragraph (3)(a) or subsection (7) which presents the proposed revision to the electorate for approval shall specify an orderly method and procedure for implementing the revision contemplated in the resolution.

History.—s. 45, ch. 2002-387.

1001.363 District school board members to represent entire district.—Each district school board of each district shall represent the entire district. Each member of the district school board shall serve as the representative of the entire district, rather than as the representative of a district school board member residence area.

History.—s. 46, ch. 2002-387.

1001.364 Alternate procedure for election of district school board chair.—

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

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

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

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

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

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

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

The petition shall also include space for the signature and address of the elector. Each signature obtained

shall be dated when made and is valid for a period of 4 years after that date.

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

(6) If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional names may be added to the petitions, and the petitions may not be used in any other proceeding.

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

(8) Any district adopting any of the propositions set forth in this section may thereafter return to the procedures otherwise provided by law by following the same procedure outlined in subsection (3).

(9) If a proposition calling for the election of the district school board chair is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (2), the district school board chair shall be elected by districtwide vote.

(10) The vice chair shall be elected by the majority vote of the electors as provided in s. 1001.371.

(11) This section shall apply to any district with a population of 800,000 and 900,000 as of the date of the last decennial census.

History.—s. 2, ch. 2006-25

1001.365 Votes and district school board chair.—The district school board shall be composed of not more than seven members acting in a representative capacity. For purposes of this section, the district school board chair and district school board members shall be elected in any capacity, action taken by the district school board shall be valid if it satisfies the requirements of this section. The "majority" vote or a "special election" vote shall apply only to those districts with a population of 800,000 and 900,000 as of the date of the last decennial census.

History.—s. 3, ch. 2006-256