

CHAPTER 2023-101

House Bill No. 411

An act relating to residency of local elected officials; amending s. 124.01, F.S.; prohibiting changes to county commissioner district boundaries during a specified timeframe; prohibiting the consideration of the residential addresses of certain persons during the district-drawing process for boards of county commissioners; providing construction; creating s. 166.0321, F.S.; requiring municipalities to fix the boundaries of their districts in a certain manner; prohibiting changes to municipal district boundaries during a specified timeframe; prohibiting the consideration of the residential addresses of certain persons during the district-drawing process; providing construction; amending s. 1001.36, F.S.; prohibiting changes to district school board member residence area boundaries during a specified timeframe; prohibiting the consideration of the residential addresses of certain persons during the residence-area-drawing process for district school boards; providing construction; amending s. 1001.361, F.S.; providing that an elected candidate for district school board must reside in the district school board member residence area by the date she or he assumes office instead of upon qualifying for office; making technical changes; providing an effective date.

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

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

124.01 Division of counties into districts; county commissioners.—

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

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

166.0321 Division of municipalities into districts.—Each municipality shall, from time to time, fix the boundaries of its districts so as to keep them as nearly equal in proportion to their respective populations as practicable, provided that such changes may not be made in the 270 days before a regular

general election for the governing body of the municipality. Districts may not be drawn with the intent to favor or disfavor a candidate for member of the governing body or an incumbent member of the governing body based on the candidate's or incumbent's residential address. Any ordinance enacted or adopted by a municipality on or after July 1, 2023, which is in conflict with this section is void.

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

1001.36 District school board member residence areas.—

(2) ~~A~~ 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 ~~are not shall be made only in the 270 days before a general election odd-numbered years~~ and that no change that would affect the residence qualifications of any incumbent member ~~disqualifies shall disqualify~~ such incumbent member during the term for which he or she is elected. Residence areas may not be drawn with the intent to favor or disfavor a candidate for district school board member or an incumbent district school board member based on the candidate's or incumbent's residential address. Any resolution adopted by a district school board on or after July 1, 2023, which is in conflict with this subsection is void.

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

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 ~~must shall~~ be by vote of the qualified electors of the entire district in a nonpartisan election as provided in chapter 105. Each ~~elect~~ candidate for district school board member ~~must shall, by the date at the time she or he assumes office~~ qualifies, be a resident of the district school board member residence area from which ~~she or he was elected the candidate seeks election~~. Each candidate who qualifies to have her or his name placed on the ballot ~~must shall~~ be listed according to the district school board member residence area in which she or he ~~is a candidate~~ resides. Each qualified elector of the district ~~is 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.

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

Approved by the Governor May 17, 2023.

Filed in Office Secretary of State May 17, 2023.