

DE 85-01 - April 1, 1985

**QUALIFYING FOR SPECIAL DISTRICT OFFICE
s. 99.061, 99.095, 388.101 and 582.18, F.S.**

*To: Honorable Mary W. Morgan, Supervisor of Elections, Collier County Complex, 3301
Tamiami Trail East, Naples, Florida 33962*

Prepared by: Division of Elections

This is a formal elections opinion pursuant to Section 106.23(2), Florida Statutes, in which you raised several questions concerning the election of Commissioners for the Mosquito Control Board and the Soil and Water Conservation District. You basically ask whether the provisions of Sections 388.101 and 582.18, Florida Statutes, supersede the provisions of Sections 99.061 and 99.095, Florida Statutes, insofar as the methods of qualifying for nomination or election to a special district office.

Section 99.061(2), Florida Statutes, was amended in 1983 by Chapter 83-25, Section 2, Laws of Florida, to provide that the provisions of any special act to the contrary notwithstanding, a person seeking to qualify for nomination or election to a special district office must qualify in the manner prescribed by that section. It was the intent of the Legislature, by this enactment, to standardize the methods of qualifying for all candidates at all levels of government.

It is my opinion, therefore, that the provisions of Sections 99.061 and 99.095, Florida Statutes, relating to the methods of qualifying prevail over any conflicting provisions contained in either Section 388.101 or 582.18, Florida Statutes. This does not mean, however, that Sections 388.101 or 582.18, Florida Statutes, are no longer valid. The provisions of those statutes which relate to the election of Commissioners for the Mosquito Control Board and the Soil and Water Conservation District are still in effect and control the election of those commissioners.

SUMMARY

The provisions of Sections 99.061 and 99.095, Florida Statutes, relating to the time and person before whom candidates for nomination or election to a special district office prevail over conflicting provisions of Sections 388.101 and 582.18, Florida Statutes, regarding Commissioners for the Mosquito Control Board and the Soil and Water Conservation District. The provisions of Sections 388.191 and 582.18, Florida Statutes, relating to the election of the commissioners controls the election of such commissioners.