

A statute addressed in the opinion has changed. Please consult current Florida law.

DE 78-11 - January 30, 1978

**Applicability Of State Election Code To Special District
ss. 99.061 & 99.096; ch. 106, F.S., ch. 67-1630, Special Acts Of Florida**

To: Mr. T.W. Miller, Jr., Director, Lee County Mosquito Control District, P.O. Box 2237, Fort Myers, Florida 33902

Prepared by: Division of Elections

This is in response to your recent letter in which you inquired as to the applicability of certain provisions of the state election laws to the election of commissioners of your special district.

The adoption of ch. 77-175, Laws of Florida, effective January 1, 1978, substantially revised s. 99.061, F.S. This appears to repeal by implication the procedures outlined in ch. 67-1630, Special Acts of Florida, insofar as these conflict with the Florida Election Code.

Specifically, s. 99.061(2), F.S., establishes procedures, pertinent to this inquiry, for the qualification of officers of a county-wide special district (in this case, the Lee County Mosquito Control District). Accordingly, in response to your two specific questions: Qualifying of candidates for district commissioner must be made with the Supervisor of Elections of Lee County in the manner provided in s. 99.061(2), F.S. (1977). The qualifying papers must be accompanied by payment of the appropriate qualifying fee or accomplished in the alternative method of s. 99.095, F.S. (1977).

Petition signatures must be verified by the supervisor of elections at a cost to the candidate of ten cents (\$.10) per name unless an undue burden affidavit is executed. Payment of the qualifying fee or the verification fee must be by a check drawn on a campaign account in compliance with the requirements of ch. 106, F.S.

SUMMARY

Effective January 1, 1978, the new election code has by implication repealed the election provisions of ch. 67-1630, Special Acts of Florida. The election of commissioners of the Lee County Mosquito Control District is controlled by ss. 99.061 and 99.095 and chapter 106, F.S.