

Obsolete. Please consult current Florida law.

DE 81-03 - June 8, 1981

Term Of Office For Incumbent Superintendent Of Schools Section 100.041, F.S.

To: Mr. Charles W. Stokes, Superintendent, Escambia County School District, 215 West Garden Street, Post Office Box 1470, Pensacola, Florida 32597

Prepared by: Division of Elections

By your recent letter you requested an opinion of this office in answer to substantially the following questions:

1. Does the "Note" reference following Section 100.041 of the Florida Statutes provide that the term of office for an incumbent superintendent shall not be shortened as long as he holds this office?
2. If an elected superintendent received a commission for a four year term beginning in January of 1977 according to the existing statutory provisions, and was re-elected for an additional four year term, would not this second term begin in January of 1981 and terminate in January of 1985?

Chapter 78.321 Laws of Florida amended Sections 100.041(1) and (3)(a), F.S., to read:

"(1) State senators shall be elected for terms of 4 years, those from odd-numbered districts in each year the number of which is a multiple of four and those from even-numbered districts in each even-numbered year the number of which is not a multiple of four. Members of the House of Representatives shall be elected for terms of 2 years in each even-numbered year. In each county, a clerk of the circuit court, sheriff, superintendent of schools, property appraiser, and tax collector shall be chosen by the qualified electors at the general election in each year the number of which is a multiple of four. The Governor and the administrative officers of the executive branch of the state shall be elected for terms of 4 years in each even-numbered year the number of which is not a multiple of four. The terms of state and county offices other than the terms of state and county offices other than the terms of members of the Legislature and of superintendents of schools shall begin on the first Tuesday after the first Monday in January after said election. The term of office of each member of the Legislature shall begin upon election.

(3)(a) School board members shall be elected at a general election for terms of 4 years. The term of office of a school board member and of a superintendent of schools shall begin on the second Tuesday following the general election in which such member or superintendent is elected."

Section 2 of Chapter 78-321, Laws of Florida, further provides that:

"(2) This act shall not shorten the terms of any superintendent of schools serving as of the effective date of this law."

It is my opinion that the term of office for an incumbent School Superintendent shall not be shortened so long as he holds (re-elected) that office. This is based upon the language in the Note to Section 100.041, Florida Statutes, which states:

Note. — "Section 2, ch. 78-321 provides that act, which changes the time a superintendent of schools takes office from the first Tuesday after the first Monday in January to the second Tuesday following the general election, shall not shorten the term of any superintendent serving as of June 18, 1978. (emphasis added)"

Therefore, if an elected Superintendent received a commission for a four year term beginning in January, 1977 under existing statutory provisions and was re-elected for an additional four year term, under the new provisions of Section 100.041, F.S., this second term would begin in January of 1981 and not on the Second Tuesday following the General Election in which such Superintendent was elected.

Your questions are answered accordingly.