

DE 87-09 - August 18, 1987

Special District Election Qualifying Dates

Ch. 87-447, Laws of Fla.; Ch. 81-414, Laws of Fla.; and Sections 99.061(1) and (2), Fla. Stat. (Supp. 1986).

To: Mr. Dennis Noah, Attorney, Boca Grande Fire Control District, Post Office Box 280, Fort Myers, Florida 33902

Prepared by: Division of Elections

You have asked, as attorney for the Boca Grande Fire Control District, when the qualifying dates are for the 1987 elections in view of Chapter 87-447, Laws of Florida, which became law on July 11, 1987.

The Boca Grande Fire Control District is a multi-county fire district located in Lee and Charlotte Counties. The term of one of the board members expired on June 29, 1987.

Chapter 87-447, Laws of Florida, an act relating to Lee and Charlotte Counties, provides that board members for certain special district offices, including the Boca Grande Fire Control District Board, be elected rather than appointed. The bill also provides that present board members will continue in office until the expiration of the present term and thereafter until an election is held pursuant to the provisions of Chapter 81-414, Laws of Florida.

Chapter 81-414, Laws of Florida, is an act relating only to Lee County. One of the purposes of the act was to provide uniform regulation of special district elections, including making uniform qualifying dates for candidates. The act provides that all special district elections are to be held on the first Tuesday after the first Monday in odd-numbered years and that candidates will qualify from noon of the 63rd day through noon of the 49th day prior to the election. Ch. 81-414, ss. 1(1)(a), (2)(a), Laws of Fla.

In 1983, the Legislature passed general legislation making uniform qualifying dates for candidates. Ch. 83-25, s. 1; Ch. 83-251, s. 1, Laws of Fla. The legislation amended Section 99.061(1), Florida Statutes, to provide that "(t)he provisions of any special act to the contrary notwithstanding," candidates, other than federal candidates, seeking to qualify for nomination or election to a state or multi-county district office required to qualify with the Department of State, will qualify from the 50th day to the 46th day prior to the first primary. Ch. 83-25, s. 2; Ch. 83-251, s. 1, Laws of Fla.

The 1983 Legislature also amended Section 99.061(2), Florida Statutes, to provide that "(t)he provisions of any special act to the contrary notwithstanding," candidates seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1) will qualify from the 50th to the 46th day prior to the first primary or special district election unless a special district election is held at the second primary or general election. If a special district

election is held at the second primary or general election, qualifying will be the 50th to the 46th day prior to the second primary.

In 1987, when the Legislature passed Chapter 87-447, Laws of Florida, uniformity in regulation of special district elections in Lee and Charlotte Counties was again a prime purpose of the act. The legislation provided that members of the Boca Grande Fire Control District Board would qualify in the same manner and at the same time as those of the other special districts located wholly within Lee County. Special districts located wholly within a single county qualifying pursuant to Section 99.061 (2), Florida Statutes. Therefore, members of the Boca Grande Fire Control District must qualify according to Section 99.061(2), Florida Statutes. Since the election is to be held on the first Tuesday after the first Monday in November in odd-numbered years, the qualifying dates will be from September 14, 1987 until September 18, 1987.

SUMMARY

In view of the 1983 amendments to Sections 99.061(1) and (2), Florida Statutes, the qualifying dates for special district elections held in odd-numbered years are from the 50th day prior to the first primary or special district election until noon of the 46th day prior to the date of the first primary or special district election. Since the Boca Grande Fire Control District election is the first Tuesday after the first Monday in November in an odd-numbered year, the qualifying dates for 1987 will be from September 14, 1987 until noon September 18, 1987.