

Special district, changing method of election

Number: INFORMAL

Date: July 17, 1997

The Honorable Joseph R. Spratt
Representative, District 77
205 South Commerce Avenue, Suite B
Sebring, Florida 33870

Dear Representative Spratt:

You seek clarification of section 189.4051, Florida Statutes. A constituent has asked whether a special district seeking to convert from one-acre/one-vote elections to one-person/one-vote elections must satisfy the requirements of subsections (1) and (3) in order to have a referendum on the issue.[1]

During the 1997 legislative session, the Legislature passed Committee Substitute for House Bill 1683, a copy of which is enclosed. Section 14 of the act repeals the provisions of subsection (1) and renumbers the subsequent subsections.[2] This office has been advised by Legislative Information that the bill became law without the Governor's signature on May 30, 1997, and has been designated as Chapter 97-255, Laws of Florida. Pursuant to section 27, the act becomes effective October 1, 1997.

Accordingly, as of October 1, 1997, a special district seeking to change the method of electing its governing board pursuant to section 189.4051, Florida Statutes, from one-acre/one-vote to one-person/one-vote will be required to have at least 500 qualified electors and a petition signed by 10 percent of those qualified electors in order to have a referendum on this issue.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgk

Enclosure

[1] The General Counsel's Office of the Department of Community Affairs has stated that a special district seeking to use the procedures in section 189.4051(3), Florida Statutes, must also meet the requirement of subsection (1). See s. 189.4051(1), Fla. Stat. (1995), authorizing a special district with a governing board elected on a one-acre/one-vote basis that has a population of more than 2,500 residents and more than 2,000 registered voters, to submit a petition signed by more than 70 percent of the registered voters requesting conversion to one-

person/one-vote elections. The district "may [then] proceed in accordance with the provisions of subsection (3)[.]" *And see* s. 189.4051(3), Fla. Stat. (1995), providing for a referendum to be called if the district has a total population of at least 500 qualified electors and a petition signed by 10 percent of the qualified electors. *See also* s. 189.4051(2)(a), Fla. Stat. (1995), defining "qualified elector."

[2] As of October 1, 1997, the provisions of former subsection (3), as amended, will become s. 189.4051(2), Florida Statutes.