County commissioners, single member representation

Number: INFORMAL

Date: September 17, 2007

The Honorable Hugh H. Gibson, III
Representative, District 42
Florida House of Representatives
916 Avenida Central
The Villages, Florida 32159-5704

Dear Representative Gibson:

Thank you for contacting the Florida Attorney General's Office regarding procedures for elections. Attorney General McCollum has asked me to respond to your letter.

Section 124.011, Florida Statutes, provides an alternate procedure for the election of county commissioners by single-member representation. The electors of a county may petition to have a proposition calling for single-member representation placed on the ballot by presenting a petitions to the board of county commissioners that have been signed by not less than ten percent of the duly qualified electors of the county. The required number of signatures must be determined by the supervisor of elections based on the number of registered electors in the county at a date certain.[1] The statute requires the electors petitioning to have the proposition placed on the ballot to register as a political committee pursuant to section 106.03 and a specific person must be designated as the chair of the committee to act on behalf of the committee.[2] The statute sets forth the language required to be contained in the petition form circulated for signatures.[3] The procedure for filing the petitions with the board of county commissioners is set forth in subsection (6) of the statute. Section 124.011, Florida Statutes, prohibits the calling of a special election for the sole purpose of presenting the proposition to the electors.[4]

I trust that these informal comments will be helpful to you and trust that you will contact us in the future if we can be of assistance to you. I am enclosing copies of Attorney General Opinions that have been issued previously on this statute and also enclose a copy of the statute with annotations of cases decided under section 124.011.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/t

Enclosure

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[1] Section 124.011(3)(b), Fla. Stat.

[2] Section 124.011(4), Fla. Stat.

[3] Section 124.011(5), Fla. Stat.

[4] Section 124.011(8), Fla. Stat.