

By Senator Dudley

25-1680-98

See HB

1 A bill to be entitled
2 An act relating to community development
3 districts; amending s. 190.006, F.S.;
4 authorizing any community development district
5 to hold elections for the members of its board
6 of supervisors in conjunction with general
7 elections; providing that such members shall be
8 elected in groups by the qualified electors of
9 the district; requiring each member elected to
10 be a qualified elector of the district;
11 providing for staggering of terms; providing
12 for transition; providing an effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Paragraph (b) of subsection (2) and
17 paragraph (a) of subsection (3) of section 190.006, Florida
18 Statutes, are amended to read:

19 190.006 Board of supervisors; members and meetings.--

20 (2)

21 (b) At such meeting, each landowner shall be entitled
22 to cast one vote per acre of land owned by him or her and
23 located within the district for each person to be elected. A
24 landowner may vote in person or by proxy in writing. A
25 fraction of an acre shall be treated as 1 acre, entitling the
26 landowner to one vote with respect thereto. The two
27 candidates receiving the highest number of votes shall be
28 elected for a period of 4 years, and the three candidates
29 receiving the next largest number of votes shall be elected
30 for a period of 2 years. The members of the first board
31 elected by landowners shall serve their respective 4-year or

1 2-year terms; however, the next election by landowners shall
2 be held on the first Tuesday in November. Thereafter, except
3 as otherwise provided in subsection (3), there shall be an
4 election of supervisors for the district every 2 years on the
5 first Tuesday in November at which the two candidates
6 receiving the highest number of votes shall each be elected to
7 serve for a 4-year term period, and the remaining candidate
8 elected shall serve for a 2-year term period.

9 (3)(a)1. If the board proposes to exercise the ad
10 valorem taxing power authorized by s. 190.021, the district
11 board shall call an election at which the members of the board
12 of supervisors will be elected by the qualified electors of
13 the district. Such election shall be held in conjunction with
14 a primary or general election unless the district bears the
15 cost of a special election. Each member shall be elected by
16 the qualified electors of the district for a term of 4 years,
17 except that, at the first such election, three members shall
18 be elected for a term period of 4 years each and two members
19 shall be elected for a term period of 2 years each. All
20 elected board members must be qualified electors of the
21 district.

22 2.a. Regardless of whether a district has proposed to
23 levy ad valorem taxes, commencing 6 years after the initial
24 appointment of members or, for a district exceeding 5,000
25 acres in area, 10 years after the initial appointment of
26 members, the position of each member whose term has expired
27 shall be filled by a qualified elector of the district,
28 elected by the qualified electors of the district. However,
29 for those districts established after June 21, 1991, and for
30 those existing districts established after December 31, 1983,
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1 which have less than 50 qualified electors on June 21, 1991,
2 sub-subparagraphs b. and c. shall apply.

3 b. For those districts to which this sub-subparagraph
4 applies if, in the 6th year after the initial appointment of
5 members, or 10 years after such initial appointment for
6 districts exceeding 5,000 acres in area, there are not at
7 least 250 qualified electors in the district, or for a
8 district exceeding 5,000 acres, there are not at least 500
9 qualified electors, members of the board shall continue to be
10 elected by landowners. After the 6th or 10th year, once a
11 district reaches 250 or 500 qualified electors, respectively,
12 then the position of two board members whose terms are
13 expiring shall be filled by qualified electors of the
14 district, elected by the qualified electors of the district.
15 One of these board members shall serve a 2-year term, and the
16 other a 4-year term. The remaining board member whose term is
17 expiring shall be elected for a 4-year term by the landowners
18 and is not required to be a qualified elector. Thereafter, as
19 terms expire, board members shall be qualified electors
20 elected by qualified electors of the district.

21 c. On or before July 15 of each year, the board shall
22 determine the number of qualified electors in the district as
23 of the immediately preceding June 1. The board shall use and
24 rely upon the official records maintained by the supervisor of
25 elections and property appraiser or tax collector in each
26 county in making this determination. Such determination shall
27 be made at a properly noticed meeting of the board and shall
28 become a part of the official minutes of the district.

29 ~~d. Each community development district in existence on~~
30 ~~June 21, 1991, shall, within 60 days, determine the number of~~
31 ~~qualified electors in the district as of June 21, 1991, using~~

1 ~~the official records maintained by the supervisor of elections~~
2 ~~and property appraiser or tax collector in the county.~~
3 ~~Thereafter, the district shall make such determination as~~
4 ~~described in sub-subparagraph c.~~

5 3.a. Notwithstanding any other provision of this
6 section to the contrary, a board may elect at any point to
7 have the elections of its members held in conjunction with
8 general elections as provided in this subparagraph. Upon a
9 board's so electing, the board of supervisors of that board
10 shall be divided into five groups to be voted on districtwide,
11 with each qualified elector of the district entitled to vote
12 for one candidate from each group. The person receiving the
13 highest number of votes cast in each group shall be elected as
14 the board member for that group. In case two or more persons
15 receive an equal and highest number of votes for the same
16 group office, such persons shall draw lots to determine who
17 shall be elected to office. Each member from an odd-numbered
18 group shall be elected at the general election in each year
19 the number of which is a multiple of 4, for a 4-year term
20 commencing on the second Tuesday following such election, and
21 each member from an even-numbered group shall be elected at
22 the general election in each even-numbered year the number of
23 which is not a multiple of 4, for a 4-year term commencing on
24 the second Tuesday following such election, except that, at
25 the first such election, three members shall be elected for a
26 period of 4 years and two members shall be elected for a
27 period of 2 years. All board members elected under this
28 subparagraph must be qualified electors of the district, and
29 in any such election an elector's failure to vote in any one
30 or more groups does not invalidate the elector's ballot.

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1 b. For purposes of effecting the transition to
2 elections under this subparagraph, any board electing to hold
3 its elections in conjunction with general elections may extend
4 or reduce by up to 1 year the term of any sitting member
5 leading up to the initial transitional election to ensure that
6 all five positions are filled at that election for
7 appropriately staggered terms as provided in sub-subparagraph
8 a.

9 Section 2. This act shall take effect upon becoming a
10 law.

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13 HOUSE SUMMARY

14 Authorizes any community development district to hold
15 elections for the members of its board of supervisors in
16 conjunction with general elections. Provides that such
17 members shall be elected in groups by the qualified
18 electors of the district. Requires each member elected to
19 be a qualified elector of the district. Provides for
20 staggering of terms. Provides for transition. See bill
21 for details.
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