

By Representative Saunders

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.

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

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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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