

Bill No. CS for CS for SB's 662 & 232

Amendment No. Barcode 214860

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

On page 829, between lines 21 and 22,

insert:

Section 891. Effective July 1, 2002, subsections (1), (2), (3), and (4) of section 190.006, Florida Statutes, are amended to read:

190.006 Board of supervisors; members and meetings.--

(1) The board of the district shall exercise the powers granted to the district pursuant to this act. The board shall consist of five members, who; ~~except as otherwise provided herein, each member shall hold office for a term of 4 years and until a successor is chosen and qualifies. The members of the board~~ must be residents of the state and citizens of the United States.

(2)(a) Within 90 days following the effective date of the rule or ordinance establishing the district, there shall be held a meeting of the landowners of the district for the purpose of electing five supervisors for the district. Notice

Bill No. CS for CS for SB's 662 & 232

Amendment No. ____ Barcode 214860

1 of the landowners' meeting shall be published once a week for
2 2 consecutive weeks in a newspaper which is in general
3 circulation in the area of the district, the last day of such
4 publication to be not fewer than 14 days or more than 28 days
5 before the date of the election. The landowners, when
6 assembled at such meeting, shall organize by electing a chair
7 who shall conduct the meeting. The chair may be any person
8 present at the meeting. If the chair is a landowner or a proxy
9 holder of a landowner, he or she may nominate candidates and
10 make and second motions.

11 (b) At such meeting, each landowner shall be entitled
12 to cast one vote per acre of land owned by him or her and
13 located within the district for each person to be elected. A
14 landowner may vote in person or by proxy in writing. A proxy
15 must be signed by one of the legal owners of the property for
16 which the vote is cast and must contain the typed or printed
17 name of the individual who signed the proxy, the street
18 address or legal description of the property, and the number
19 of authorized votes. If the proxy authorizes more than one
20 vote, each property must be listed and the number of acres of
21 each property must be included. Signatures on proxies need not
22 be notarized. A fraction of an acre shall be treated as 1
23 acre, entitling the landowner to one vote with respect
24 thereto. The two candidates receiving the highest number of
25 votes shall be elected for a period of 4 years, and the three
26 candidates receiving the next largest number of votes shall be
27 elected for a period of 2 years. The members of the first
28 board elected by landowners shall serve their respective
29 4-year or 2-year terms beginning on the date of the
30 landowners' meeting. ~~however,~~ The next election by landowners
31 shall be held ~~on the first Tuesday~~ in the month of November,

Bill No. CS for CS for SB's 662 & 232

Amendment No. ____ Barcode 214860

1 before the expiration of the initial 2-year terms of office
2 and on a date established by the board. Thereafter, there
3 shall be an election of supervisors for the district every 2
4 years in the month of November, before the expiration of terms
5 of office of the supervisors and on a date established by the
6 board ~~and noticed pursuant to paragraph (a).~~ The second and
7 subsequent landowners' meetings shall be announced at a public
8 meeting of the board between 120 and 90 days before the date
9 of the landowners' meeting, and notice shall also be given
10 pursuant to paragraph (a). Instructions on how all landowners
11 may participate in the election along with sample proxies
12 shall be provided during the board meeting at which the
13 landowners' meeting is announced.The two candidates receiving
14 the highest number of votes shall be elected to serve for a
15 4-year period, and the remaining candidate elected shall serve
16 for a 2-year period. The winning candidates shall begin their
17 respective 4-year and 2-year terms on the day following the
18 expiration of the terms of office of the outgoing supervisors.

19 (3)(a)1. If the board proposes to exercise the ad
20 valorem taxing power authorized by s. 190.021, the district
21 board shall call an election at which the members of the board
22 of supervisors will be elected. Such election shall be held
23 in conjunction with a primary or general election unless the
24 district bears the cost of a special election. Each member
25 shall be elected by the qualified electors of the district for
26 a term of 4 years, except that, at the first such election,
27 three members shall be elected for a period of 4 years and two
28 members shall be elected for a period of 2 years. All elected
29 board members must be qualified electors of the district.

30 2.a. Regardless of whether a district has proposed to
31 levy ad valorem taxes, commencing 6 years after the initial

Bill No. CS for CS for SB's 662 & 232

Amendment No. ____ Barcode 214860

1 appointment of members or, for a district exceeding 5,000
2 acres in area, 10 years after the initial appointment of
3 members, the position of each member whose term has expired
4 shall be filled by a qualified elector of the district,
5 elected by the qualified electors of the district. However,
6 for those districts established after June 21, 1991, and for
7 those existing districts established after December 31, 1983,
8 which have less than 50 qualified electors on June 21, 1991,
9 sub-subparagraphs b. and c. shall apply.

10 b. For those districts to which this sub-subparagraph
11 applies if, in the 6th year after the initial appointment of
12 members, or 10 years after such initial appointment for
13 districts exceeding 5,000 acres in area, there are not at
14 least 250 qualified electors in the district, or for a
15 district exceeding 5,000 acres, there are not at least 500
16 qualified electors, members of the board shall continue to be
17 elected by landowners. After the 6th or 10th year, once a
18 district reaches 250 or 500 qualified electors, respectively,
19 then the position of two board members whose terms are
20 expiring shall be filled by qualified electors of the
21 district, elected by the qualified electors of the district.
22 One of these board members shall serve a 2-year term, and the
23 other a 4-year term. The candidate receiving the largest
24 number of votes shall be elected for a period of 4 years, and
25 the candidate receiving the next largest number of votes shall
26 be elected for a period of 2 years.The remaining board member
27 whose term is expiring shall be elected for a 4-year term by
28 the landowners and is not required to be a qualified elector.
29 Thereafter, as terms expire, board members shall be qualified
30 electors elected by qualified electors of the district. The
31 two candidates receiving the largest number of votes shall be

Bill No. CS for CS for SB's 662 & 232

Amendment No. ____ Barcode 214860

1 elected for a period of 4 years, and the candidate receiving
2 the next largest number of votes shall be elected for a period
3 of 2 years.

4 c. On or before July 15 of each year, the board shall
5 determine the number of qualified electors in the district as
6 of the immediately preceding June 1. The board shall use and
7 rely upon the official records maintained by the supervisor of
8 elections and property appraiser or tax collector in each
9 county in making this determination. Such determination shall
10 be made at a properly noticed meeting of the board and shall
11 become a part of the official minutes of the district.

12 (b) Elections of board members by qualified electors
13 held pursuant to this subsection shall be conducted in the
14 manner prescribed by law for holding general elections. The
15 elections shall be held before the expiration of the terms of
16 office of the incumbents on a date established by the board.
17 The term of office of each supervisor shall commence on the
18 day following the expiration of the term of office of the
19 outgoing supervisor.

20 (c) Candidates seeking election to office by qualified
21 electors under this subsection shall conduct their campaigns
22 in accordance with the provisions of chapter 106. Candidates
23 shall file petitions, and take the oath required in s. 99.021,
24 with the supervisor of elections in the county affected by
25 such candidacy.

26 (d) The supervisor of elections shall appoint the
27 inspectors and clerks of elections, prepare and furnish the
28 ballots, designate polling places, and canvass the returns of
29 the election of board members by qualified electors. The
30 board of county commissioners shall declare and certify the
31 results of the election.

Bill No. CS for CS for SB's 662 & 232

Amendment No. Barcode 214860

1 (4) Members of the board shall be known as supervisors
2 and, upon entering into office, shall take and subscribe to
3 the oath of office as prescribed by s. 876.05. They shall
4 hold office for the terms for which they were elected or
5 appointed ~~and until their successors are chosen and qualified.~~
6 If, during the term of office, a vacancy occurs, the remaining
7 members of the board shall fill the vacancy by an appointment
8 for the remainder of the unexpired term. However, a supervisor
9 who resigns from the board may not be appointed to the board
10 under this subsection. Once four members of the board are
11 electors of the district, the board may opt, by unanimous
12 decision of the supervisors, to align the terms of office with
13 the general election or a municipal election schedule. This
14 shall be accomplished by truncating the terms of office of
15 incumbents by up to 1 year.

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17 (Redesignate subsequent sections.)

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 8, line 12, following the semicolon

23

24 insert:

25 amending s. 190.006, F.S.; revising procedures
26 for electing supervisors of community
27 development districts;

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