

By Senator Aronberg

27-1569-03

See HB 295

1 A bill to be entitled
2 An act relating to special districts; amending
3 s. 189.4051, F.S.; requiring certain
4 independent water control districts within
5 certain large-population counties to have
6 five-member governing boards who are elected in
7 conjunction with the general election on a
8 nonpartisan basis by the registered voters who
9 are residents of the district; providing for
10 staggered terms; providing applicability to
11 current board members; providing an effective
12 date.

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

16 Section 1. Section 189.4051, Florida Statutes, is
17 amended to read:

18 189.4051 Elections; special requirements and
19 procedures for districts with governing boards elected on a
20 one-acre/one-vote basis.--

21 (1) DEFINITIONS.--As used in this section:

22 (a) "Qualified elector" means any person at least 18
23 years of age who is a citizen of the United States, a
24 permanent resident of Florida, and a freeholder or
25 freeholder's spouse and resident of the district who registers
26 with the supervisor of elections of a county within which the
27 district lands are located when the registration books are
28 open.

29 (b) "Urban area" means a contiguous developed and
30 inhabited urban area within a district with a minimum average
31 resident population density of at least 1.5 persons per acre

1 as defined by the latest official census, special census, or
2 population estimate or a minimum density of one single-family
3 home per 2.5 acres with access to improved roads or a minimum
4 density of one single-family home per 5 acres within a
5 recorded plat subdivision. Urban areas shall be designated by
6 the governing board of the district with the assistance of all
7 local general-purpose governments having jurisdiction over the
8 area within the district.

9 (c) "Governing board member" means any duly elected
10 member of the governing board of a special district elected
11 pursuant to this section, provided that any board member
12 elected by popular vote shall be a qualified district elector
13 and any board member elected on a one-acre/one-vote basis
14 shall meet the requirements of s. 298.11 for election to the
15 board.

16 (d) "Contiguous developed urban area" means any
17 reasonably compact urban area located entirely within a
18 special district. The separation of urban areas by a publicly
19 owned park, right-of-way, highway, road, railroad, canal,
20 utility, body of water, watercourse, or other minor
21 geographical division of a similar nature shall not prevent
22 such areas from being defined as urban areas.

23 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF
24 URBAN AREAS.--

25 (a) Referendum.--

26 1. A referendum shall be called by the governing board
27 of a special district where the board is elected on a
28 one-acre/one-vote basis on the question of whether certain
29 members of a district governing board should be elected by
30 qualified electors, provided each of the following conditions
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1 has been satisfied at least 60 days prior to the general or
2 special election at which the referendum is to be held:
3 a. The district shall have a total population,
4 according to the latest official state census, a special
5 census, or a population estimate, of at least 500 qualified
6 electors.
7 b. A petition signed by 10 percent of the qualified
8 electors of the district shall have been filed with the
9 governing board of the district. The petition shall be
10 submitted to the supervisor of elections of the county or
11 counties in which the lands are located. The supervisor shall,
12 within 30 days after the receipt of the petitions, certify to
13 the governing board the number of signatures of qualified
14 electors contained on the petition.
15 2. Upon verification by the supervisor or supervisors
16 of elections of the county or counties within which district
17 lands are located that 10 percent of the qualified electors of
18 the district have petitioned the governing board, a referendum
19 election shall be called by the governing board at the next
20 regularly scheduled election of governing board members
21 occurring at least 30 days after verification of the petition
22 or within 6 months of verification, whichever is earlier.
23 3. If the qualified electors approve the election
24 procedure described in this subsection, the governing board of
25 the district shall be increased to five members and elections
26 shall be held pursuant to the criteria described in this
27 subsection beginning with the next regularly scheduled
28 election of governing board members or at a special election
29 called within 6 months following the referendum and final
30 unappealed approval of district urban area maps as provided in
31 paragraph (b), whichever is earlier.

1 4. If the qualified electors of the district
2 disapprove the election procedure described in this
3 subsection, elections of the members of the governing board
4 shall continue as described by s. 298.12 or the enabling
5 legislation for the district. No further referendum on the
6 question shall be held for a minimum period of 2 years
7 following the referendum.

8 (b) Designation of urban areas.--

9 1. Within 30 days after approval of the election
10 process described in this subsection by qualified electors of
11 the district, the governing board shall direct the district
12 staff to prepare and present maps of the district describing
13 the extent and location of all urban areas within the
14 district. Such determination shall be based upon the criteria
15 contained within paragraph (1)(b).

16 2. Within 60 days after approval of the election
17 process described in this subsection by qualified electors of
18 the district, the maps describing urban areas within the
19 district shall be presented to the governing board.

20 3. Any district landowner or elector may contest the
21 accuracy of the urban area maps prepared by the district staff
22 within 30 days after submission to the governing board. Upon
23 notice of objection to the maps, the governing board shall
24 request the county engineer to prepare and present maps of the
25 district describing the extent and location of all urban areas
26 within the district. Such determination shall be based upon
27 the criteria contained within paragraph (1)(b). Within 30 days
28 after the governing board request, the county engineer shall
29 present the maps to the governing board.

30 4. Upon presentation of the maps by the county
31 engineer, the governing board shall compare the maps submitted

1 by both the district staff and the county engineer and make a
2 determination as to which set of maps to adopt. Within 60 days
3 after presentation of all such maps, the governing board may
4 amend and shall adopt the official maps at a regularly
5 scheduled board meeting.

6 5. Any district landowner or qualified elector may
7 contest the accuracy of the urban area maps adopted by the
8 board within 30 days after adoption by petition to the circuit
9 court with jurisdiction over the district. Accuracy shall be
10 determined pursuant to paragraph (1)(b). Any petitions so
11 filed shall be heard expeditiously, and the maps shall either
12 be approved or approved with necessary amendments to render
13 the maps accurate and shall be certified to the board.

14 6. Upon adoption by the board or certification by the
15 court, the district urban area maps shall serve as the
16 official maps for determination of the extent of urban area
17 within the district and the number of governing board members
18 to be elected by qualified electors and by the
19 one-acre/one-vote principle at the next regularly scheduled
20 election of governing board members.

21 7. Upon a determination of the percentage of urban
22 area within the district as compared with total area within
23 the district, the governing board shall order elections in
24 accordance with the percentages pursuant to paragraph (3)(a).
25 The landowners' meeting date shall be designated by the
26 governing board.

27 8. The maps shall be updated and readopted every 5
28 years or sooner in the discretion of the governing board.

29 (3) GOVERNING BOARD.--

30 (a) Composition of board.--

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1 1. Members of the governing board of the district
2 shall be elected in accordance with the following
3 determinations of urban area:

4 a. If urban areas constitute 25 percent or less of the
5 district, one governing board member shall be elected by the
6 qualified electors and four governing board members shall be
7 elected in accordance with the one-acre/one-vote principle
8 contained within s. 298.11 or the district-enabling
9 legislation.

10 b. If urban areas constitute 26 percent to 50 percent
11 of the district, two governing board members shall be elected
12 by the qualified electors and three governing board members
13 shall be elected in accordance with the one-acre/one-vote
14 principle contained within s. 298.11 or the district-enabling
15 legislation.

16 c. If urban areas constitute 51 percent to 70 percent
17 of the district, three governing board members shall be
18 elected by the qualified electors and two governing board
19 members shall be elected in accordance with the
20 one-acre/one-vote principle contained within s. 298.11 or the
21 district-enabling legislation.

22 d. If urban areas constitute 71 percent to 90 percent
23 of the district, four governing board members shall be elected
24 by the qualified electors and one governing board member shall
25 be elected in accordance with the one-acre/one-vote principle
26 contained within s. 298.11 or the district-enabling
27 legislation.

28 e. If urban areas constitute 91 percent or more of the
29 district, all governing board members shall be elected by the
30 qualified electors.

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1 2. All governing board members elected by qualified
2 electors shall be elected at large.

3 (b) Term of office.--All governing board members
4 elected by qualified electors shall have a term of 4 years
5 except for governing board members elected at the first
6 election and the first landowners' meeting following the
7 referendum prescribed in paragraph (2)(a). Governing board
8 members elected at the first election and the first
9 landowners' meeting following the referendum shall serve as
10 follows:

11 1. If one governing board member is elected by the
12 qualified electors and four are elected on a one-acre/one-vote
13 basis, the governing board member elected by the qualified
14 electors shall be elected for a period of 4 years. Governing
15 board members elected on a one-acre/one-vote basis shall be
16 elected for periods of 1, 2, 3, and 4 years, respectively, as
17 prescribed by ss. 298.11 and 298.12.

18 2. If two governing board members are elected by the
19 qualified electors and three are elected on a
20 one-acre/one-vote basis, the governing board members elected
21 by the electors shall be elected for a period of 4 years.
22 Governing board members elected on a one-acre/one-vote basis
23 shall be elected for periods of 1, 2, and 3 years,
24 respectively, as prescribed by ss. 298.11 and 298.12.

25 3. If three governing board members are elected by the
26 qualified electors and two are elected on a one-acre/one-vote
27 basis, two of the governing board members elected by the
28 electors shall be elected for a term of 4 years and the other
29 governing board member elected by the electors shall be
30 elected for a term of 2 years. Governing board members elected
31 on a one-acre/one-vote basis shall be elected for terms of 1

1 and 2 years, respectively, as prescribed by ss. 298.11 and
2 298.12.

3 4. If four governing board members are elected by the
4 qualified electors and one is elected on a one-acre/one-vote
5 basis, two of the governing board members elected by the
6 electors shall be elected for a term of 2 years and the other
7 two for a term of 4 years. The governing board member elected
8 on a one-acre/one-vote basis shall be elected for a term of 1
9 year as prescribed by ss. 298.11 and 298.12.

10 5. If five governing board members are elected by the
11 qualified electors, three shall be elected for a term of 4
12 years and two for a term of 2 years.

13 6. If any vacancy occurs in a seat occupied by a
14 governing board member elected by the qualified electors, the
15 remaining members of the governing board shall, within 45 days
16 after the vacancy occurs, appoint a person who would be
17 eligible to hold the office to the unexpired term.

18 (c) Landowners' meetings.--

19 1. An annual landowners' meeting shall be held
20 pursuant to s. 298.11 and at least one governing board member
21 shall be elected on a one-acre/one-vote basis pursuant to s.
22 298.12 for so long as 10 percent or more of the district is
23 not contained in an urban area. In the event all district
24 governing board members are elected by qualified electors,
25 there shall be no further landowners' meetings.

26 2. At any landowners' meeting called pursuant to this
27 section, 50 percent of the district acreage shall not be
28 required to constitute a quorum and each governing board
29 member shall be elected by a majority of the acreage
30 represented either by owner or proxy present and voting at
31 said meeting.

1 3. All landowners' meetings of districts operating
2 pursuant to this section shall be set by the board within the
3 month preceding the month of the election of the governing
4 board members by the electors.

5 4. Vacancies on the board shall be filled pursuant to
6 s. 298.12 except as otherwise provided in subparagraph (b)6.

7 (4) QUALIFICATIONS.--Elections for governing board
8 members elected by qualified electors shall be nonpartisan.
9 Qualifications shall be pursuant to the Florida Election Code
10 and shall occur during the qualifying period established by s.
11 99.061. Qualification requirements shall only apply to those
12 governing board member candidates elected by qualified
13 electors. Following the first election pursuant to this
14 section, elections to the governing board by qualified
15 electors shall occur at the next regularly scheduled election
16 closest in time to the expiration date of the term of the
17 elected governing board member. If the next regularly
18 scheduled election is beyond the normal expiration time for
19 the term of an elected governing board member, the governing
20 board member shall hold office until the election of a
21 successor.

22 (5) POPULAR ELECTIONS REQUIRED FOR CERTAIN WATER
23 CONTROL DISTRICTS.--Notwithstanding any other provision of
24 this section or s. 189.405 to the contrary, the governing
25 board of any single-county independent special district which
26 is designated a water control district pursuant to s. 298.001
27 and not exempt under subsection (6), and which is within a
28 county having a population in excess of 1.5 million other than
29 a county as defined in s. 125.011(1), shall consist of five
30 members elected by vote of the registered voters of the county
31 who are residents of the district. Elections under this

1 subsection shall be nonpartisan, held in conjunction with the
2 general election, and conducted by the supervisor of elections
3 of the county wherein the district is located in accordance
4 with the Florida Election Code. All governing board members
5 elected under this subsection shall have a term of 4 years
6 except for the governing board members elected at the first
7 election, of whom three shall be elected for a term of 4 years
8 and two shall be elected for a term of 2 years.

9 (6)(5) EXEMPTIONS.--This section does not apply to:

10 (a) ~~Those~~ Districts established as single-purpose
11 water control districts, and which continue to act as
12 single-purpose water control districts, pursuant to chapter
13 298 ~~or, pursuant to a special act, pursuant to a local~~
14 government ordinance, or ~~pursuant to a judicial decree, shall~~
15 be exempt from the provisions of this section. All other
16 independent special districts with governing boards elected on
17 a one-acre/one-vote basis shall be subject to the provisions
18 of this section.

19 (b)(6) ~~The provisions of this section shall not apply~~
20 to Community development districts established pursuant to
21 chapter 190.

22 Section 2. The terms of all governing board members of
23 any special district subject to the provisions of subsection
24 (5) of section 189.4051, Florida Statutes, as created by this
25 act, shall terminate on the day of the general election in
26 2004 upon the election of their successors as provided
27 therein.

28 Section 3. This act shall take effect January 1, 2004.
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