



HB 0295

2003

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

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

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

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

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

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

(b) "Urban area" means a contiguous developed and
 inhabited urban area within a district with a minimum average
 resident population density of at least 1.5 persons per acre as
 defined by the latest official census, special census, or
 population estimate or a minimum density of one single-family



HB 0295

2003

31 home per 2.5 acres with access to improved roads or a minimum
 32 density of one single-family home per 5 acres within a recorded
 33 plat subdivision. Urban areas shall be designated by the
 34 governing board of the district with the assistance of all local
 35 general-purpose governments having jurisdiction over the area
 36 within the district.

37 (c) "Governing board member" means any duly elected member
 38 of the governing board of a special district elected pursuant to
 39 this section, provided that any board member elected by popular
 40 vote shall be a qualified district elector and any board member
 41 elected on a one-acre/one-vote basis shall meet the requirements
 42 of s. 298.11 for election to the board.

43 (d) "Contiguous developed urban area" means any reasonably
 44 compact urban area located entirely within a special district.
 45 The separation of urban areas by a publicly owned park, right-
 46 of-way, highway, road, railroad, canal, utility, body of water,
 47 watercourse, or other minor geographical division of a similar
 48 nature shall not prevent such areas from being defined as urban
 49 areas.

50 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
 51 AREAS.--

52 (a) *Referendum*.--

53 1. A referendum shall be called by the governing board of
 54 a special district where the board is elected on a one-acre/one-
 55 vote basis on the question of whether certain members of a
 56 district governing board should be elected by qualified
 57 electors, provided each of the following conditions has been
 58 satisfied at least 60 days prior to the general or special
 59 election at which the referendum is to be held:



HB 0295

2003

60 a. The district shall have a total population, according
61 to the latest official state census, a special census, or a
62 population estimate, of at least 500 qualified electors.

63 b. A petition signed by 10 percent of the qualified
64 electors of the district shall have been filed with the
65 governing board of the district. The petition shall be submitted
66 to the supervisor of elections of the county or counties in
67 which the lands are located. The supervisor shall, within 30
68 days after the receipt of the petitions, certify to the
69 governing board the number of signatures of qualified electors
70 contained on the petition.

71 2. Upon verification by the supervisor or supervisors of
72 elections of the county or counties within which district lands
73 are located that 10 percent of the qualified electors of the
74 district have petitioned the governing board, a referendum
75 election shall be called by the governing board at the next
76 regularly scheduled election of governing board members
77 occurring at least 30 days after verification of the petition or
78 within 6 months of verification, whichever is earlier.

79 3. If the qualified electors approve the election
80 procedure described in this subsection, the governing board of
81 the district shall be increased to five members and elections
82 shall be held pursuant to the criteria described in this
83 subsection beginning with the next regularly scheduled election
84 of governing board members or at a special election called
85 within 6 months following the referendum and final unappealed
86 approval of district urban area maps as provided in paragraph
87 (b), whichever is earlier.

88 4. If the qualified electors of the district disapprove
89 the election procedure described in this subsection, elections



HB 0295

2003

90 of the members of the governing board shall continue as
91 described by s. 298.12 or the enabling legislation for the
92 district. No further referendum on the question shall be held
93 for a minimum period of 2 years following the referendum.

94 (b) *Designation of urban areas.--*

95 1. Within 30 days after approval of the election process
96 described in this subsection by qualified electors of the
97 district, the governing board shall direct the district staff to
98 prepare and present maps of the district describing the extent
99 and location of all urban areas within the district. Such
100 determination shall be based upon the criteria contained within
101 paragraph (1) (b).

102 2. Within 60 days after approval of the election process
103 described in this subsection by qualified electors of the
104 district, the maps describing urban areas within the district
105 shall be presented to the governing board.

106 3. Any district landowner or elector may contest the
107 accuracy of the urban area maps prepared by the district staff
108 within 30 days after submission to the governing board. Upon
109 notice of objection to the maps, the governing board shall
110 request the county engineer to prepare and present maps of the
111 district describing the extent and location of all urban areas
112 within the district. Such determination shall be based upon the
113 criteria contained within paragraph (1) (b). Within 30 days after
114 the governing board request, the county engineer shall present
115 the maps to the governing board.

116 4. Upon presentation of the maps by the county engineer,
117 the governing board shall compare the maps submitted by both the
118 district staff and the county engineer and make a determination
119 as to which set of maps to adopt. Within 60 days after



HB 0295

2003

120 presentation of all such maps, the governing board may amend and
 121 shall adopt the official maps at a regularly scheduled board
 122 meeting.

123 5. Any district landowner or qualified elector may contest
 124 the accuracy of the urban area maps adopted by the board within
 125 30 days after adoption by petition to the circuit court with
 126 jurisdiction over the district. Accuracy shall be determined
 127 pursuant to paragraph (1)(b). Any petitions so filed shall be
 128 heard expeditiously, and the maps shall either be approved or
 129 approved with necessary amendments to render the maps accurate
 130 and shall be certified to the board.

131 6. Upon adoption by the board or certification by the
 132 court, the district urban area maps shall serve as the official
 133 maps for determination of the extent of urban area within the
 134 district and the number of governing board members to be elected
 135 by qualified electors and by the one-acre/one-vote principle at
 136 the next regularly scheduled election of governing board
 137 members.

138 7. Upon a determination of the percentage of urban area
 139 within the district as compared with total area within the
 140 district, the governing board shall order elections in
 141 accordance with the percentages pursuant to paragraph (3)(a).
 142 The landowners' meeting date shall be designated by the
 143 governing board.

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

146 (3) GOVERNING BOARD.--

147 (a) *Composition of board.*--



HB 0295

2003

148 1. Members of the governing board of the district shall be
 149 elected in accordance with the following determinations of urban
 150 area:

151 a. If urban areas constitute 25 percent or less of the
 152 district, one governing board member shall be elected by the
 153 qualified electors and four governing board members shall be
 154 elected in accordance with the one-acre/one-vote principle
 155 contained within s. 298.11 or the district-enabling legislation.

156 b. If urban areas constitute 26 percent to 50 percent of
 157 the district, two governing board members shall be elected by
 158 the qualified electors and three governing board members shall
 159 be elected in accordance with the one-acre/one-vote principle
 160 contained within s. 298.11 or the district-enabling legislation.

161 c. If urban areas constitute 51 percent to 70 percent of
 162 the district, three governing board members shall be elected by
 163 the qualified electors and two governing board members shall be
 164 elected in accordance with the one-acre/one-vote principle
 165 contained within s. 298.11 or the district-enabling legislation.

166 d. If urban areas constitute 71 percent to 90 percent of
 167 the district, four governing board members shall be elected by
 168 the qualified electors and one governing board member shall be
 169 elected in accordance with the one-acre/one-vote principle
 170 contained within s. 298.11 or the district-enabling legislation.

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

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

176 (b) *Term of office.*--All governing board members elected
 177 by qualified electors shall have a term of 4 years except for



HB 0295

2003

178 governing board members elected at the first election and the
179 first landowners' meeting following the referendum prescribed in
180 paragraph (2) (a). Governing board members elected at the first
181 election and the first landowners' meeting following the
182 referendum shall serve as follows:

183 1. If one governing board member is elected by the
184 qualified electors and four are elected on a one-acre/one-vote
185 basis, the governing board member elected by the qualified
186 electors shall be elected for a period of 4 years. Governing
187 board members elected on a one-acre/one-vote basis shall be
188 elected for periods of 1, 2, 3, and 4 years, respectively, as
189 prescribed by ss. 298.11 and 298.12.

190 2. If two governing board members are elected by the
191 qualified electors and three are elected on a one-acre/one-vote
192 basis, the governing board members elected by the electors shall
193 be elected for a period of 4 years. Governing board members
194 elected on a one-acre/one-vote basis shall be elected for
195 periods of 1, 2, and 3 years, respectively, as prescribed by ss.
196 298.11 and 298.12.

197 3. If three governing board members are elected by the
198 qualified electors and two are elected on a one-acre/one-vote
199 basis, two of the governing board members elected by the
200 electors shall be elected for a term of 4 years and the other
201 governing board member elected by the electors shall be elected
202 for a term of 2 years. Governing board members elected on a one-
203 acre/one-vote basis shall be elected for terms of 1 and 2 years,
204 respectively, as prescribed by ss. 298.11 and 298.12.

205 4. If four governing board members are elected by the
206 qualified electors and one is elected on a one-acre/one-vote
207 basis, two of the governing board members elected by the



HB 0295

2003

208 electors shall be elected for a term of 2 years and the other
209 two for a term of 4 years. The governing board member elected on
210 a one-acre/one-vote basis shall be elected for a term of 1 year
211 as prescribed by ss. 298.11 and 298.12.

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

215 6. If any vacancy occurs in a seat occupied by a governing
216 board member elected by the qualified electors, the remaining
217 members of the governing board shall, within 45 days after the
218 vacancy occurs, appoint a person who would be eligible to hold
219 the office to the unexpired term.

220 (c) *Landowners' meetings.*--

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

228 2. At any landowners' meeting called pursuant to this
229 section, 50 percent of the district acreage shall not be
230 required to constitute a quorum and each governing board member
231 shall be elected by a majority of the acreage represented either
232 by owner or proxy present and voting at said meeting.

233 3. All landowners' meetings of districts operating
234 pursuant to this section shall be set by the board within the
235 month preceding the month of the election of the governing board
236 members by the electors.



HB 0295

2003

237 4. Vacancies on the board shall be filled pursuant to s.
 238 298.12 except as otherwise provided in subparagraph (b)6.

239 (4) QUALIFICATIONS.--Elections for governing board members
 240 elected by qualified electors shall be nonpartisan.
 241 Qualifications shall be pursuant to the Florida Election Code
 242 and shall occur during the qualifying period established by s.
 243 99.061. Qualification requirements shall only apply to those
 244 governing board member candidates elected by qualified electors.
 245 Following the first election pursuant to this section, elections
 246 to the governing board by qualified electors shall occur at the
 247 next regularly scheduled election closest in time to the
 248 expiration date of the term of the elected governing board
 249 member. If the next regularly scheduled election is beyond the
 250 normal expiration time for the term of an elected governing
 251 board member, the governing board member shall hold office until
 252 the election of a successor.

253 (5) POPULAR ELECTIONS REQUIRED FOR CERTAIN WATER CONTROL
 254 DISTRICTS.--Notwithstanding any other provision of this section
 255 or s. 189.405 to the contrary, the governing board of any
 256 single-county independent special district which is designated a
 257 water control district pursuant to s. 298.001 and not exempt
 258 under subsection (6), and which is within a county having a
 259 population in excess of 1.5 million other than a county as
 260 defined in s. 125.011(1), shall consist of five members elected
 261 by vote of the registered voters of the county who are residents
 262 of the district. Elections under this subsection shall be
 263 nonpartisan, held in conjunction with the general election, and
 264 conducted by the supervisor of elections of the county wherein
 265 the district is located in accordance with the Florida Election
 266 Code. All governing board members elected under this subsection



HB 0295

2003

267 shall have a term of 4 years except for the governing board
 268 members elected at the first election, of whom three shall be
 269 elected for a term of 4 years and two shall be elected for a
 270 term of 2 years.

271 (6)-(5) EXEMPTIONS.--This section does not apply to:

272 (a) These Districts established as single-purpose water
 273 control districts, and which continue to act as single-purpose
 274 water control districts, pursuant to chapter 298 or, ~~pursuant to~~
 275 a special act, ~~pursuant to a local government ordinance, or~~
 276 ~~pursuant to a judicial decree, shall be exempt from the~~
 277 ~~provisions of this section. All other independent special~~
 278 ~~districts with governing boards elected on a one-acre/one-vote~~
 279 ~~basis shall be subject to the provisions of this section.~~

280 (b)-(6) ~~The provisions of this section shall not apply to~~
 281 Community development districts established pursuant to chapter
 282 190.

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

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