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A bill to be entitled

An act relating to community development districts; amending s. 190.046, F.S.; providing for additional dissolution procedures; amending s. 190.006, F.S.; specifying procedures for selecting a chair at the initial landowners' meeting; specifying requirements for proxy voting; requiring notice of landowners' elections; specifying the terms of certain supervisors; providing for nonpartisan elections; specifying the time that resident supervisors assume office; authorizing the supervisor of elections to designate seat numbers for resident supervisors of the board; providing procedures for filing qualifying papers; allowing candidates the option of paying a filing fee to qualify for the election; specifying payment requirements; specifying the number of petition signatures required to qualify for the election; requiring the county canvassing board to certify the results of resident elections; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (2) and subsections (7) and (8) of section 190.046, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

190.046 Termination, contraction, or expansion of district.--

(2) The district shall remain in existence unless:

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30 (b) All of the specific community development systems,
 31 facilities, and services that it is authorized to perform have
 32 been transferred to a general-purpose unit of local government
 33 in the manner provided in subsections(4), (5), and (6); or

34 (c) The district is dissolved as provided in subsection
 35 (7), ~~or~~ subsection (8), or subsection (9).

36 (7) If, within 5 years after the effective date of the
 37 rule or ordinance establishing ~~creating~~ the district, a
 38 landowner has not received a development permit, as defined in
 39 chapter 380, on some part or all of the area covered by the
 40 district, then the district will be automatically dissolved and
 41 a judge of the circuit court shall cause a statement to that
 42 effect to be filed in the public records.

43 (8) In the event the district has become inactive pursuant
 44 to s. 189.4044, the respective board of county commissioners or
 45 city commission shall be informed and it shall take appropriate
 46 action.

47 (9) If a district has no outstanding financial obligations
 48 and no operating or maintenance responsibilities, upon the
 49 petition of the district, the district may be dissolved by a
 50 nonemergency ordinance of the general-purpose local governmental
 51 entity that established the district or, if the district was
 52 established by rule of the Florida Land and Water Adjudicatory
 53 Commission, the district may be dissolved by repeal of such rule
 54 of the commission.

55 Section 2. Subsections (1), (2), and (3) of section
 56 190.006, Florida Statutes, are amended to read:

57 190.006 Board of supervisors; members and meetings.--

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58 (1) The board of the district shall exercise the powers
59 granted to the district pursuant to this act. The board shall
60 consist of five members; except as otherwise provided herein,
61 each member shall hold office for a term of 2 years or 4 years,
62 as provided in this section, and until a successor is chosen and
63 qualifies. The members of the board must be residents of the
64 state and citizens of the United States.

65 (2)(a) Within 90 days following the effective date of the
66 rule or ordinance establishing the district, there shall be held
67 a meeting of the landowners of the district for the purpose of
68 electing five supervisors for the district. Notice of the
69 landowners' meeting shall be published once a week for 2
70 consecutive weeks in a newspaper which is in general circulation
71 in the area of the district, the last day of such publication to
72 be not fewer than 14 days or more than 28 days before the date
73 of the election. The landowners, when assembled at such
74 meeting, shall organize by electing a chair who shall conduct
75 the meeting. The chair may be any person present at the meeting.
76 If the chair is a landowner or proxy holder of a landowner, he
77 or she may nominate candidates and make and second motions.

78 (b) At such meeting, each landowner shall be entitled to
79 cast one vote per acre of land owned by him or her and located
80 within the district for each person to be elected. A landowner
81 may vote in person or by proxy in writing. Each proxy must be
82 signed by one of the legal owners of the property for which the
83 vote is cast and must contain the typed or printed name of the
84 individual who signed the proxy; the street address, legal
85 description of the property, or tax parcel identification
86 number; and the number of authorized votes. If the proxy

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87 authorizes more than one vote, each property must be listed and
88 the number of acres of each property must be included. The
89 signature on a proxy need not be notarized. A fraction of an
90 acre shall be treated as 1 acre, entitling the landowner to one
91 vote with respect thereto. The two candidates receiving the
92 highest number of votes shall be elected for a period of 4
93 years, and the three candidates receiving the next largest
94 number of votes shall be elected for a period of 2 years, with
95 the term of office for each successful candidate commencing upon
96 election. The members of the first board elected by landowners
97 shall serve their respective 4-year or 2-year terms; however,
98 the next election by landowners shall be held on the first
99 Tuesday in November. Thereafter, there shall be an election of
100 supervisors for the district every 2 years in November on a date
101 established by the board and noticed pursuant to paragraph (a).
102 The second and subsequent landowners' election shall be
103 announced at a public meeting of the board at least 90 days
104 prior to the date of the landowners' meeting and shall also be
105 noticed pursuant to paragraph (a). Instructions on how all
106 landowners may participate in the election, along with sample
107 proxies, shall be provided during the board meeting that
108 announces the landowners' meeting. The two candidates receiving
109 the highest number of votes shall be elected to serve for a 4-
110 year period, and the remaining candidate elected shall serve for
111 a 2-year period.

112 (3)(a)1. If the board proposes to exercise the ad valorem
113 taxing power authorized by s. 190.021, the district board shall
114 call an election at which the members of the board of
115 supervisors will be elected. Such election shall be held in

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116 conjunction with a primary or general election unless the
 117 district bears the cost of a special election. Each member
 118 shall be elected by the qualified electors of the district for a
 119 term of 4 years, except that, at the first such election, three
 120 members shall be elected for a period of 4 years and two members
 121 shall be elected for a period of 2 years. All elected board
 122 members must be qualified electors of the district.

123 2.a. Regardless of whether a district has proposed to levy
 124 ad valorem taxes, commencing 6 years after the initial
 125 appointment of members or, for a district exceeding 5,000 acres
 126 in area, 10 years after the initial appointment of members, the
 127 position of each member whose term has expired shall be filled
 128 by a qualified elector of the district, elected by the qualified
 129 electors of the district. However, for those districts
 130 established after June 21, 1991, and for those existing
 131 districts established after December 31, 1983, which have less
 132 than 50 qualified electors on June 21, 1991, sub-subparagraphs
 133 b. and c. shall apply.

134 ~~b. For those districts to which this sub-subparagraph~~
 135 ~~applies~~ If, in the 6th year after the initial appointment of
 136 members, or 10 years after such initial appointment for
 137 districts exceeding 5,000 acres in area, there are not at least
 138 250 qualified electors in the district, or for a district
 139 exceeding 5,000 acres, there are not at least 500 qualified
 140 electors, members of the board shall continue to be elected by
 141 landowners.

142 b. After the 6th or 10th year, once a district reaches 250
 143 or 500 qualified electors, respectively, then the position of
 144 two board members whose terms are expiring shall be filled by

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145 qualified electors of the district, elected by the qualified
 146 electors of the district. ~~One of these board members shall serve~~
 147 ~~a 2-year term, and the other a 4-year term.~~ The remaining board
 148 member whose term is expiring shall be elected for a 4-year term
 149 by the landowners and is not required to be a qualified elector.
 150 Thereafter, as terms expire, board members shall be qualified
 151 electors elected by qualified electors of the district for a
 152 term of 4 years.

153 c. On or before July 15 of each year, the board shall
 154 determine the number of qualified electors in the district as of
 155 the immediately preceding June 1. The board shall use and rely
 156 upon the official records maintained by the supervisor of
 157 elections and property appraiser or tax collector in each county
 158 in making this determination. Such determination shall be made
 159 at a properly noticed meeting of the board and shall become a
 160 part of the official minutes of the district.

161 (b) Elections of board members by qualified electors held
 162 pursuant to this subsection shall be nonpartisan and shall be
 163 conducted in the manner prescribed by law for holding general
 164 elections. Board members shall assume the office on the second
 165 Tuesday following their election.

166 (c) Candidates seeking election to office by qualified
 167 electors under this subsection shall conduct their campaigns in
 168 accordance with the provisions of chapter 106 and shall file
 169 qualifying papers and qualify for individual seats in accordance
 170 with s. 99.061. Candidates shall pay a qualifying fee, which
 171 shall consist of a filing fee and an election assessment, or, as
 172 an alternative, shall file a petition signed by not less than 1
 173 percent of the registered voters of the district file petitions,

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174 and take the oath required in s. 99.021, with the supervisor of
 175 elections in the county affected by such candidacy. The amount
 176 of the filing fee is 3 percent of \$4,800; however, if the
 177 electors have provided for compensation pursuant to subsection
 178 (8), the amount of the filing fee is 3 percent of the maximum
 179 annual compensation so provided. The amount of the election
 180 assessment is 1 percent of \$4,800; however, if the electors have
 181 provided for compensation pursuant to subsection (8), the amount
 182 of the election assessment is 1 percent of the maximum annual
 183 compensation so provided. The filing fee and election assessment
 184 shall be distributed as provided in s. 105.031(3).

185 (d) The supervisor of elections shall appoint the
 186 inspectors and clerks of elections, prepare and furnish the
 187 ballots, designate polling places, and canvass the returns of
 188 the election of board members by qualified electors. The county
 189 canvassing board ~~of county commissioners~~ shall declare and
 190 certify the results of the election.

191 Section 3. This act shall take effect upon becoming a law.