

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 767 CS

Northern Palm Beach County Improvement District

**SPONSOR(S):** Domino

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Local Government Council</u>	<u>6 Y, 0 N</u>	<u>Dominguez</u>	<u>Hamby</u>
2) <u>Ethics &amp; Elections Committee</u>	<u>10 Y, 0 N, w/CS</u>	<u>West</u>	<u>Mitchell</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

HB 767 makes several changes to the charter of the Northern Palm Beach County Improvement District (District).

The bill makes various changes to the Board of Supervisors (Board) election procedures, establishing combined voting systems wherein supervisors are elected by the qualified electors of the district and the one-acre, one-vote process. The bill extends the terms of office of the various supervisors to allow the appropriate implementation of proposed changes. The bill also provides residency requirements and consequences for loss of residence.

The bill further provides for compensation of supervisors, providing up to \$200 per meeting upon approval of the Board at an advertised public meeting. The bill provides a \$500 limit per month per supervisor.

To allow for all changes to apply at one time, and to all current Board members, the annual landowners meeting will be changed to the month of November. In conjunction with the aforementioned extension in the terms in office, this will allow for the November 2006 landowners meeting to coincide with the general election of that month.

HB 767 is effective upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Chapter 298, Florida Statutes

Chapter 298, Florida Statutes, contains provisions governing the creation and operation of water control districts. Some of these provisions are briefly described below.

##### Creation of Water Control Districts

Section 298.01, Florida Statutes, restricts the creation of new water control districts to special acts of the Legislature (independent water control districts) and under the provisions of section 125.01, Florida Statutes (dependent water control districts). Districts created by circuit court decree prior to July 1, 1980, are authorized to operate under the authority provided by chapter 298, Florida Statutes.

##### Election of Board of Supervisors

Upon the formation of a water control district, the circuit court where the majority of the land is located has jurisdiction within the boundaries of the district. Once a district is organized, notice of the first landowners' meeting shall be given. The notice shall be published once a week for two consecutive weeks in a newspaper. At the first meeting, the landowners are required to elect a three-member board of supervisors. Supervisors serve 3-year rotating terms, with one supervisor elected each year at a required annual meeting. To qualify as a supervisor, a person must own property in the district and be a resident of the county in which the district is located, unless a district's special act provides otherwise. The Department of Environmental Protection is authorized to vote on any matter that may come before a landowners' meeting if acreage owned by the state is subject to assessment by the district.

##### One-Acre, One-Vote

Section 298.11(2), F.S., provides that every acre of assessable land within a district represents one share, or vote. Each landowner within a district is entitled to one vote per acre of assessable land that he or she owns. Landowners owning less than one acre are entitled to one vote. The section allows proxy voting by landowners as well. Landowners owning more than one acre are entitled to one additional vote for any fraction of an acre greater than 1/2 acre, when all of the landowners' acreage has been aggregated for purposes of voting.

##### Florida Department of Environmental Protection

Section 298.11(3), F.S., authorizes for Department of Environmental Protection to represent the state at district landowners meetings. It also grants the Department the right to vote for district supervisors, to the extent of the acreage owned by the state in that district, and provided that the acreage is subject to assessment by the water control district.

## North Palm Beach County Improvement District

In 1959, the Florida Legislature created the Northern Palm Beach County Water Control District (District), through special act.<sup>1</sup> In 1995, the name of the district was changed to the Northern Palm Beach County Improvement District.<sup>2</sup> Chapter 2000-467, L. O.F., provided for the codification of all District special acts and created a single comprehensive document as authorized by ch. 189, F.S. Ch. 2000-467, L.O.F, codified 15 previous District acts.

The District Board of Supervisors is elected and uses assessments to generate revenue.

### **Proposed Changes**

#### Election Procedures, Board Organization, Terms of Office

The bill makes several changes to the District's charter as it pertains to the Board's terms of office, elections qualifications, and voting system. The changes to Section 4 of Section 3 are as follows:

- The terms of the Board will change from 3 years to 4 years.
- The bill extends the terms of the various Board members to ensure that the provisions of this bill apply to all seats, simultaneously, during the November 2006 general election.
- Calls for three of the supervisors – out of five - to be chosen via one-acre, one-vote process at the annual landowners meeting and the remaining two supervisors are to be chosen by the qualified electors of the District (popularly elected).
- The two members of the board chosen by the electors of the district will now be required to be residents and qualified electors of the district. Those chosen via one-acre, one-vote must be residents of the State of Florida. One such member, the member elected to seat 3, is required to be a resident of the district or own property within the District.
- One popularly elected board member must reside north of PGA Boulevard. The other popularly elected board member must reside south of PGA Boulevard.
- Gives a board member 10 days to notify the Board when residency in the District has been lost. Upon this notice, the member is given 30 days to reestablish residency. If at the lapse of those 30 days, the member has not reestablished residence, an automatic vacancy will be created for that Board seat.
- Frees Board candidates who do not collect campaign funds from having to appoint a campaign treasurer or creating a campaign account.
- Allows for the appointment of a board member in the event of a vacancy. That appointee shall serve until the next general election.

#### Board Compensation

The bill provides compensation for District Supervisors not to exceed \$200 per meeting and not to exceed \$500 per month per Supervisor. Requires approval of compensation by the Board after the matter has been noticed for discussion and vote in a newspaper of general circulation in Palm Beach County. Previously, Board members were not compensated but were paid for travel.

#### Meetings of Landowners

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<sup>1</sup> ch. 59-994, L.O.F.

<sup>2</sup> ch. 95-489, L.O.F.

The bill changes the annual meeting of the landowners from June to November; beginning with the month of November 2006. This will allow for the land owners meeting to coincide with the general election and provide for the implementation of the changes in this bill.

The bill will exclude publicly owned property against which the District does not levy an assessment from the acreage used to determine eligible votes in Board elections.

The bill is effective upon becoming a law.

C. SECTION DIRECTORY:

Section 1:

- Amends Section 4 of Section 3 of ch. 2000-467, L.O.F., pertaining to election procedures, organization, powers, duties, and terms of office.
- Amends Section 5 of Section 3 of ch. 2000-467, L.O.F., pertaining to compensation of the District Board.
- Amends Section 6 of Section 3 of ch. 2000-467, L.O.F., pertaining to landowners meetings.

Section 2: Provides that the bill takes effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 10, 2004

WHERE? The *Palm Beach Post*, West Palm Beach, Palm Beach County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

- a. On line 198 of the original filed version of this bill, the word "be" should be added to make that line read as follows:

"landowners of the District shall be held for the purpose of"

- The District created a Mission Review Committee to evaluate the proposed changes in this bill. A report prepared by the District includes the following information regarding the possible benefits of the changes:

Constituent Benefits

The Committee's primary goal in considering the voting procedure issue was to ensure representation of all residents and landowners within the jurisdiction and what kind of system would best accomplish that goal. Many different voting systems were proposed, discussed, and researched. The complexities of the issue lengthened the time involved and the number of meetings on the part of the Committee, but all were in agreement in a final approval and recommendation process.

The proposed voting system consensus resulted in a hybrid of both the one-acre, one-vote and the popular vote system. Due to the changing face of constituents within Northern's jurisdictional boundaries from primarily large landowners to a combination of large landowners and residents who either own homes or rent them, the Committee felt the hybrid system would best represent all constituents.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On February 9, 2005, the Ethics & Elections Committee adopted one technical amendment.