

CHAMBER ACTION

1 The Ethics & Elections Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Northern Palm Beach County
7 Improvement District; amending chapter 2000-467, Laws of
8 Florida; increasing terms of office of members of the
9 board of supervisors; revising procedures for election of
10 board members; providing a definition; providing
11 qualifications of board members; providing for filling of
12 vacancies; providing certain exemption from campaign
13 financing requirements; authorizing and providing
14 conditions for compensation of board members; revising the
15 time for holding annual meetings; precluding use of
16 certain publicly owned property for voting shares;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Sections 4, 5, and 6 of section 3 of chapter
22 2000-467, Laws of Florida, are amended to read:

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23 Section 4. Board of Supervisors; election, organization,
24 powers, duties, and terms of office.--

25 (A) There is hereby created a Board of Supervisors of
26 Northern Palm Beach County Improvement District, which shall be
27 the governing body of said District.

28 (B) Said Board of Supervisors shall consist of five
29 persons, who, except as herein otherwise provided, shall hold
30 office for the term of 4 ~~3~~ years and until their successors
31 shall be duly elected and qualified.

32 (C) The first Board of Supervisors of the District shall
33 be composed of five persons, two of whom shall hold office for 4
34 years from June 1, 1959, two of whom shall hold office for 3
35 years from June 1, 1959, and one of whom shall hold office for 2
36 years from June 1, 1959. Within 30 days after this Act becomes a
37 law, the Clerk of the Circuit Court of Palm Beach County shall
38 call a special meeting of landowners of Northern Palm Beach
39 County Improvement District for the purpose of electing the
40 first Board of Supervisors for Northern Palm Beach County
41 Improvement District as herein provided. Notice of such special
42 meeting of landowners shall be given by the Clerk of the Circuit
43 Court of Palm Beach County by causing publication thereof to be
44 made once a week for 2 consecutive weeks prior to such meeting
45 in some newspaper published in Palm Beach County. Such special
46 meeting of landowners shall be held in some public place in Palm
47 Beach County, and the place, date, and hour of holding such
48 meeting and the purpose thereof shall be stated in the notice.
49 The landowners when assembled shall organize by electing a Chair
50 who shall preside at the meeting and a Secretary thereof. At

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51 such meeting, each and every acre, or any fraction thereof, of
52 land in the District shall represent one share and each owner
53 shall be entitled to one vote by person or by written proxy for
54 every acre of land, or any fraction thereof, owned by him or her
55 in the District. The landowners shall first vote for the
56 Supervisors who are to hold office for the term of 4 years as
57 herein provided, and the persons receiving the highest number of
58 votes for such Supervisors shall be declared and elected as such
59 Supervisors. Said land owners shall next vote for the
60 Supervisors who are to hold office for the term of 3 years as
61 provided herein, and the persons receiving the highest number of
62 votes for such Supervisors shall be declared and elected as such
63 Supervisors. Said landowners shall next vote for the Supervisor
64 who is to hold office for the term of 2 years as herein
65 provided, and the person receiving the highest number of votes
66 for such Supervisor shall be declared and elected as such
67 Supervisor.

68 (D) Upon the effective date of this act, the following
69 procedures shall apply to the election of members, including
70 appointees, to the Board of Supervisors of the District:

71 (1) The terms of two board members which expire in 2005
72 shall be extended until the date of the general election in
73 2006. The seats shall be numbered seats 1 and 2, respectively.
74 Seat 1 shall be filled for a term of 4 years pursuant to section
75 6(A) of this act. Seat 2 shall be converted to a nonpartisan
76 elected board member as defined by chapter 105, Florida
77 Statutes. Candidates for this position shall qualify with the
78 Palm Beach County Supervisor of Elections pursuant to chapter

79 | 105, Florida Statutes, and shall be elected for a term of 4
 80 | years by a plurality of the District electors voting in said
 81 | election. "Electors" shall mean registered voters as defined by
 82 | section 97.041, Florida Statutes. The board members elected to
 83 | seats 1 and 2 shall take office within 10 days of election and
 84 | shall serve until expiration of their term, resignation,
 85 | removal, or election of a new board member for that position.

86 | (2) The term of the board member which expires in 2006
 87 | shall be extended until the date of the general election in
 88 | 2006. The seat shall be numbered seat 3. Seat 3 shall be filled
 89 | for a term of 4 years as prescribed by 6(A) of this act. The
 90 | board member elected to seat 3 shall take office within 10 days
 91 | of election and shall serve until expiration of his or her term,
 92 | resignation, removal, or election of a new board member for that
 93 | position.

94 | (3) The terms of the two board members that expire in 2007
 95 | shall be extended until the date of the general election in
 96 | 2008. The seats shall be numbered seats 4 and 5, respectively.
 97 | Seat 4 shall be filled for a term of 4 years as prescribed by
 98 | 6(A) of this act. Seat 5 shall be converted to a nonpartisan
 99 | elected board member as defined by chapter 105, Florida
 100 | Statutes. Candidates for this position shall qualify with the
 101 | Palm Beach County Supervisor of Elections pursuant to chapter
 102 | 105, Florida Statutes, and shall be elected for a term of 4
 103 | years by a plurality of District electors voting in said
 104 | election. "Electors" shall mean registered voters as defined by
 105 | section 97.041, Florida Statutes. The board members elected to
 106 | seats 4 and 5 shall take office within 10 days of election and

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107 shall serve until expiration of their term, resignation,
 108 removal, or election of a new board member for that position.

109 (E) Beginning with the general election in 2006, Board of
 110 Supervisor qualifications shall be:

111 (1) The two members of the board elected by electors shall
 112 be residents and electors of the District as defined by section
 113 3(D)(1) of this act. One Board member shall be a resident whose
 114 residence is located north of PGA Boulevard, and one Board
 115 member shall be a resident whose residence is south of PGA
 116 Boulevard. For candidates who reside within the District and
 117 west of the current terminus of PGA Boulevard at the Beeline
 118 Highway or east of the terminus of PGA Boulevard at U.S. Highway
 119 1, residency location shall be determined by extending the
 120 center line of PGA Boulevard at the applicable point of terminus
 121 due west to Lake Okeechobee and due east to the Atlantic Ocean.
 122 In the event any board member who is elected by the electors
 123 fails to maintain residency within the District, the member
 124 shall notify the District within 10 days of his or her loss of
 125 residency. Failure to reestablish residency within 30 days of
 126 its loss will create an automatic vacancy for that Board of
 127 Supervisors position.

128 (2) The three members of the board elected pursuant to
 129 section 6(A) of this act shall be residents of the State of
 130 Florida. The board member who is elected to seat 3 shall be a
 131 resident of the District or own property within the District.
 132 Failure to maintain residency or land ownership requirements as
 133 stated herein requires notification of the District within 10
 134 days of loss of residency or land ownership. Failure to cure the

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135 qualification deficiency within 30 days of notice will create an
 136 automatic vacancy.

137 (3) Candidates who do not collect campaign funds shall not
 138 be obligated to appoint a campaign treasurer or establish a
 139 depository pursuant to section 106.021, Florida Statutes.

140 (F) In the event of any vacancy on the board, a qualified
 141 individual shall be appointed by a simple majority vote of the
 142 remaining members of the board. The appointee shall serve until
 143 the next general election. At that election, the position shall
 144 either be open for election for a full term or the remainder of
 145 the vacated seat, whichever is appropriate.

146 ~~(D) Each year during the month of June, beginning with the~~
 147 ~~month of June 1961, Supervisors shall be elected, as hereinafter~~
 148 ~~provided, by the landowners of said District to take the place~~
 149 ~~of the retiring Supervisors. All vacancies or expirations on~~
 150 ~~said Board shall be filled as required by this Act. At least~~
 151 ~~three of the Supervisors of the Northern Palm Beach County~~
 152 ~~Improvement District shall be residents of Palm Beach County,~~
 153 ~~Florida, and owners of lands within said District. The other two~~
 154 ~~Supervisors of the Northern Palm Beach County Improvement~~
 155 ~~District need not be residents of the State of Florida. To be~~
 156 ~~eligible for election, a candidate for the office of Supervisor~~
 157 ~~shall file a written notice of intention to be a candidate in~~
 158 ~~the office of the District at least 30 days before the annual~~
 159 ~~meeting of the landowners. In case of a vacancy in the office of~~
 160 ~~any Supervisor, the remaining Supervisors may fill such vacancy~~
 161 ~~until the next annual meeting of the landowners, when his or her~~

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162 ~~successor shall be elected by the landowners for the unexpired~~
 163 ~~term.~~

164 (G)~~(E)~~ As soon as practicable after their election, the
 165 Board of Supervisors of the District shall organize by choosing
 166 one of their number President of the Board of Supervisors and by
 167 electing some suitable person Secretary, who may or may not be a
 168 member of said Board. The Secretary shall be required to execute
 169 bond for the faithful performance of his or her duties in such
 170 penal amount as the Board may determine. The Board of Supervisors
 171 shall adopt a seal which shall be the seal of the District. At
 172 each annual meeting of the landowners of the District, the Board
 173 of Supervisors shall report all work undertaken or completed
 174 during the preceding year, and the status of the finances of the
 175 District.

176 (H)~~(F)~~ All Supervisors shall hold office until their
 177 successors shall be elected and qualified. Whenever any election
 178 shall be authorized or required by this Act to be held by the
 179 landowners at any particular or stated time or day, and if for
 180 any reason such election shall not or cannot be held at such
 181 time or on such day, then in such event and in all and every
 182 such event, the power or duty to hold such election shall not
 183 cease or lapse, but such election shall be held thereafter as
 184 soon as practicable and consistent with this Act.

185 Section 5. Compensation of Board.--The Supervisors shall
 186 be entitled to receive for their services an amount not to
 187 exceed \$200 per meeting, not to exceed \$500 per month per
 188 Supervisor. Such compensation must be approved by an affirmative
 189 vote of at least four members of the Board of Supervisors at a

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190 regularly scheduled meeting after the matter has been noticed
 191 for discussion and vote in a newspaper of general circulation in
 192 Palm Beach County. Notice shall be published at least 10 days
 193 prior to any meeting at which the matter is placed on the agenda
 194 for discussion and vote ~~not receive any compensation for their~~
 195 ~~services; however, they shall be paid the per-mile rate set~~
 196 ~~forth in section 112.061, Florida Statutes, for each mile~~
 197 ~~actually traveled up to a maximum of 200 miles in going to and~~
 198 ~~from their places of residence to the place of meeting.~~

199 Section 6. Meetings of landowners.--

200 (A) Each year during the month of November ~~June~~, beginning
 201 with the month of November 2006 ~~June 1961~~, a meeting of the
 202 landowners of the District shall be held for the purpose of
 203 electing Supervisors ~~to take the place of retiring Supervisors~~
 204 and hearing reports of the Board of Supervisors; provided,
 205 however, that a meeting of the landowners shall be held during
 206 the month of November 2005 ~~June 1960~~, for the purpose of
 207 receiving reports of the Board of Supervisors and considering
 208 any matters upon which the Board of Supervisors may request the
 209 advice and views of the landowners. The Board of Supervisors
 210 shall have the power to call special meetings of the landowners
 211 at any time to receive reports of the Board of Supervisors or
 212 consider and act upon any matter upon which the Board of
 213 Supervisors may request advice. Notice of all meetings of the
 214 landowners shall be given by the Board of Supervisors by causing
 215 publication thereof to be made for 2 consecutive weeks prior to
 216 such meeting in some newspaper published in Palm Beach County.
 217 The meetings of the landowners shall be held in some public

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218 place in said County, and the place, day, and hour of holding
 219 such meetings shall be stated in the notice. The landowners when
 220 assembled shall organize by electing a Chair who shall preside
 221 at the meeting. The Secretary of the Board of Supervisors shall
 222 be the Secretary of such meeting. At all such meetings each and
 223 every acre, or any fraction thereof, of land in the District,
 224 except publicly owned property against which the District does
 225 not levy assessments, shall represent one share, and each owner
 226 shall be entitled to one vote in person or by written proxy for
 227 every acre, or any fraction thereof, of land owned by him or her
 228 in the District. The person receiving the highest number of
 229 votes for Supervisor shall be declared and elected as such
 230 Supervisor. Those landowners present or voting by proxy shall
 231 constitute a quorum at any meeting of the landowners.

232 (B) Guardians may represent their wards, and personal
 233 representatives may represent the estates of deceased persons.
 234 Trustees may represent lands held by them in trust, and private
 235 and municipal corporations may be represented by their officers
 236 or duly authorized agents. Guardians, personal representatives,
 237 trustees, and corporations may vote by proxy.

238 Section 2. This act shall take effect upon becoming a law.