

ENROLLED
 HB 767, Engrossed 1

2005 Legislature

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

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

16
 17 Section 1. Sections 4, 5, and 6 of section 3 of chapter
 18 2000-467, Laws of Florida, are amended to read:

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

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

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

ENROLLED

HB 767, Engrossed 1

2005 Legislature

28 (C) The first Board of Supervisors of the District shall
29 be composed of five persons, two of whom shall hold office for 4
30 years from June 1, 1959, two of whom shall hold office for 3
31 years from June 1, 1959, and one of whom shall hold office for 2
32 years from June 1, 1959. Within 30 days after this Act becomes a
33 law, the Clerk of the Circuit Court of Palm Beach County shall
34 call a special meeting of landowners of Northern Palm Beach
35 County Improvement District for the purpose of electing the
36 first Board of Supervisors for Northern Palm Beach County
37 Improvement District as herein provided. Notice of such special
38 meeting of landowners shall be given by the Clerk of the Circuit
39 Court of Palm Beach County by causing publication thereof to be
40 made once a week for 2 consecutive weeks prior to such meeting
41 in some newspaper published in Palm Beach County. Such special
42 meeting of landowners shall be held in some public place in Palm
43 Beach County, and the place, date, and hour of holding such
44 meeting and the purpose thereof shall be stated in the notice.
45 The landowners when assembled shall organize by electing a Chair
46 who shall preside at the meeting and a Secretary thereof. At
47 such meeting, each and every acre, or any fraction thereof, of
48 land in the District shall represent one share and each owner
49 shall be entitled to one vote by person or by written proxy for
50 every acre of land, or any fraction thereof, owned by him or her
51 in the District. The landowners shall first vote for the
52 Supervisors who are to hold office for the term of 4 years as
53 herein provided, and the persons receiving the highest number of
54 votes for such Supervisors shall be declared and elected as such
55 Supervisors. Said land owners shall next vote for the

ENROLLED

HB 767, Engrossed 1

2005 Legislature

56 Supervisors who are to hold office for the term of 3 years as
57 provided herein, and the persons receiving the highest number of
58 votes for such Supervisors shall be declared and elected as such
59 Supervisors. Said landowners shall next vote for the Supervisor
60 who is to hold office for the term of 2 years as herein
61 provided, and the person receiving the highest number of votes
62 for such Supervisor shall be declared and elected as such
63 Supervisor.

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

67 (1) The terms of two board members which expire in 2005
68 shall be extended until the date of the general election in
69 2006. The seats shall be numbered seats 1 and 2, respectively.
70 Seat 1 shall be filled for a term of 4 years pursuant to section
71 6(A) of this act. Seat 2 shall be converted to a nonpartisan
72 elected board member as defined by chapter 105, Florida
73 Statutes. Candidates for this position shall qualify with the
74 Palm Beach County Supervisor of Elections pursuant to chapter
75 105, Florida Statutes, and shall be elected for a term of 4
76 years by a plurality of the District electors voting in said
77 election. "Electors" shall mean registered voters as defined by
78 section 97.041, Florida Statutes. The board members elected to
79 seats 1 and 2 shall take office within 10 days of election and
80 shall serve until expiration of their term, resignation,
81 removal, or election of a new board member for that position.

82 (2) The term of the board member which expires in 2006
83 shall be extended until the date of the general election in

ENROLLED

HB 767, Engrossed 1

2005 Legislature

84 2006. The seat shall be numbered seat 3. Seat 3 shall be filled
85 for a term of 4 years as prescribed by 6(A) of this act. The
86 board member elected to seat 3 shall take office within 10 days
87 of election and shall serve until expiration of his or her term,
88 resignation, removal, or election of a new board member for that
89 position.

90 (3) The terms of the two board members that expire in 2007
91 shall be extended until the date of the general election in
92 2008. The seats shall be numbered seats 4 and 5, respectively.
93 Seat 4 shall be filled for a term of 4 years as prescribed by
94 6(A) of this act. Seat 5 shall be converted to a nonpartisan
95 elected board member as defined by chapter 105, Florida
96 Statutes. Candidates for this position shall qualify with the
97 Palm Beach County Supervisor of Elections pursuant to chapter
98 105, Florida Statutes, and shall be elected for a term of 4
99 years by a plurality of District electors voting in said
100 election. "Electors" shall mean registered voters as defined by
101 section 97.041, Florida Statutes. The board members elected to
102 seats 4 and 5 shall take office within 10 days of election and
103 shall serve until expiration of their term, resignation,
104 removal, or election of a new board member for that position.

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

107 (1) The two members of the board elected by electors shall
108 be residents and electors of the District as defined by section
109 3(D)(1) of this act. One Board member shall be a resident whose
110 residence is located north of PGA Boulevard, and one Board
111 member shall be a resident whose residence is south of PGA

ENROLLED

HB 767, Engrossed 1

2005 Legislature

112 Boulevard. For candidates who reside within the District and
113 west of the current terminus of PGA Boulevard at the Beeline
114 Highway or east of the terminus of PGA Boulevard at U.S. Highway
115 1, residency location shall be determined by extending the
116 center line of PGA Boulevard at the applicable point of terminus
117 due west to Lake Okeechobee and due east to the Atlantic Ocean.
118 In the event any board member who is elected by the electors
119 fails to maintain residency within the District, the member
120 shall notify the District within 10 days of his or her loss of
121 residency. Failure to reestablish residency within 30 days of
122 its loss will create an automatic vacancy for that Board of
123 Supervisors position.

124 (2) The three members of the board elected pursuant to
125 section 6(A) of this act shall be residents of the State of
126 Florida. The board member who is elected to seat 3 shall be a
127 resident of the District or own property within the District.
128 Failure to maintain residency or land ownership requirements as
129 stated herein requires notification of the District within 10
130 days of loss of residency or land ownership. Failure to cure the
131 qualification deficiency within 30 days of notice will create an
132 automatic vacancy.

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

136 (F) In the event of any vacancy on the board, a qualified
137 individual shall be appointed by a simple majority vote of the
138 remaining members of the board. The appointee shall serve until
139 the next general election. At that election, the position shall

ENROLLED

HB 767, Engrossed 1

2005 Legislature

140 either be open for election for a full term or the remainder of
141 the vacated seat, whichever is appropriate.

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

160 (G) ~~(E)~~ As soon as practicable after their election, the
161 Board of Supervisors of the District shall organize by choosing
162 one of their number President of the Board of Supervisors and by
163 electing some suitable person Secretary, who may or may not be a
164 member of said Board. The Secretary shall be required to execute
165 bond for the faithful performance of his or her duties in such
166 penal amount as the Board may determine. The Board of Supervisors
167 shall adopt a seal which shall be the seal of the District. At

ENROLLED

HB 767, Engrossed 1

2005 Legislature

168 each annual meeting of the landowners of the District, the Board
 169 of Supervisors shall report all work undertaken or completed
 170 during the preceding year, and the status of the finances of the
 171 District.

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

181 Section 5. Compensation of Board.--The Supervisors shall
 182 be entitled to receive for their services an amount not to
 183 exceed \$200 per meeting, not to exceed \$500 per month per
 184 Supervisor. Such compensation must be approved by an affirmative
 185 vote of at least four members of the Board of Supervisors at a
 186 regularly scheduled meeting after the matter has been noticed
 187 for discussion and vote in a newspaper of general circulation in
 188 Palm Beach County. Notice shall be published at least 10 days
 189 prior to any meeting at which the matter is placed on the agenda
 190 for discussion and vote ~~not receive any compensation for their~~
 191 ~~services; however, they shall be paid the per mile rate set~~
 192 ~~forth in section 112.061, Florida Statutes, for each mile~~
 193 ~~actually traveled up to a maximum of 200 miles in going to and~~
 194 ~~from their places of residence to the place of meeting.~~

195 Section 6. Meetings of landowners.--

ENROLLED

HB 767, Engrossed 1

2005 Legislature

196 (A) Each year during the month of November ~~June~~, beginning
197 with the month of November 2006 ~~June 1961~~, a meeting of the
198 landowners of the District shall be held for the purpose of
199 electing Supervisors ~~to take the place of retiring Supervisors~~
200 and hearing reports of the Board of Supervisors; provided,
201 however, that a meeting of the landowners shall be held during
202 the month of November 2005 ~~June 1960~~, for the purpose of
203 receiving reports of the Board of Supervisors and considering
204 any matters upon which the Board of Supervisors may request the
205 advice and views of the landowners. The Board of Supervisors
206 shall have the power to call special meetings of the landowners
207 at any time to receive reports of the Board of Supervisors or
208 consider and act upon any matter upon which the Board of
209 Supervisors may request advice. Notice of all meetings of the
210 landowners shall be given by the Board of Supervisors by causing
211 publication thereof to be made for 2 consecutive weeks prior to
212 such meeting in some newspaper published in Palm Beach County.
213 The meetings of the landowners shall be held in some public
214 place in said County, and the place, day, and hour of holding
215 such meetings shall be stated in the notice. The landowners when
216 assembled shall organize by electing a Chair who shall preside
217 at the meeting. The Secretary of the Board of Supervisors shall
218 be the Secretary of such meeting. At all such meetings each and
219 every acre, or any fraction thereof, of land in the District,
220 except publicly owned property against which the District does
221 not levy assessments, shall represent one share, and each owner
222 shall be entitled to one vote in person or by written proxy for
223 every acre, or any fraction thereof, of land owned by him or her

ENROLLED

HB 767, Engrossed 1

2005 Legislature

224 | in the District. The person receiving the highest number of
225 | votes for Supervisor shall be declared and elected as such
226 | Supervisor. Those landowners present or voting by proxy shall
227 | constitute a quorum at any meeting of the landowners.

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

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