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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/24/2012	.	
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The Committee on Rules Subcommittee on Ethics and Elections
(Smith) recommended the following:

Senate Amendment (with title amendment)

Between lines 21 and 22
insert:

Section 1. Subsection (3) of section 99.061, Florida
Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to
federal, state, county, or district office.-

(3) Notwithstanding ~~the provisions of~~ any special act to
the contrary, a each person seeking to qualify for election to a
special district office, except the board of supervisors of a
community development district, shall qualify between noon of



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13 the 71st day before ~~prior to~~ the primary election and noon of
14 the 67th day before ~~prior to~~ the date of the primary election. A
15 person seeking to qualify for the board of supervisors of a
16 community development district shall qualify between noon of the
17 71st day before and noon of the 67th day before the date of the
18 election of the board. Candidates for single-county special
19 districts shall qualify with the supervisor of elections in the
20 county in which the district is located. If the district is a
21 multicounty district, candidates shall qualify with the
22 Department of State. All special district candidates shall
23 qualify by paying a filing fee of \$25 or qualify by the petition
24 process pursuant to s. 99.095. Notwithstanding s. 106.021, a
25 candidate who does not collect contributions and whose only
26 expense is the filing fee or signature verification fee is not
27 required to appoint a campaign treasurer or designate a primary
28 campaign depository.

29
30 Between lines 39 and 40

31 insert:

32 Section 3. Subsections (2) and (5) of section 101.6102,
33 Florida Statutes, are amended to read:

34 101.6102 Mail ballot elections; limitations.—

35 (2) The following elections may not be conducted by mail
36 ballot:

37 (a) An election at which any candidate is nominated,
38 elected, retained, or recalled, except an election of a
39 candidate to the board of supervisors of a community development
40 district; or

41 (b) An election held on the same date as another election,



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42 other than a mail ballot election, in which the qualified
43 electors of that political subdivision are eligible to cast
44 ballots.

45 (5) ~~Nothing in~~ This section does not ~~shall be construed to~~
46 prohibit the use of a mail ballot election in a municipal
47 annexation referendum requiring separate vote of the registered
48 electors of the annexing municipality and of the area proposed
49 to be annexed. If a mail ballot election is authorized for a
50 municipal annexation referendum, the provisions of ss. 101.6101-
51 101.6107 shall control over any conflicting provisions of s.
52 171.0413.

53
54 Between lines 113 and 114
55 insert:

56 Section 7. Subsections (1) and (2) and paragraphs (a) and
57 (b) of subsection (3) of section 190.006, Florida Statutes, are
58 amended to read:

59 190.006 Board of supervisors; members and meetings.-

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

67 (2) (a) Within 90 days after ~~following~~ the effective date of
68 the rule or ordinance establishing the district, ~~there shall be~~
69 ~~held~~ a meeting of the landowners of the district must be held
70 for the purpose of electing five supervisors for the district.



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71 Notice of the landowners' meeting shall be published once a week
72 for 2 consecutive weeks in a newspaper of ~~which is in~~ general
73 circulation in the area of the district.7 The last day of ~~such~~
74 publication of the notice may ~~to be~~ not be less ~~fewer~~ than 14
75 days or more than 28 days before the date of the election. The
76 landowners, when assembled at such meeting, shall organize by
77 electing a chair who shall conduct the meeting. The chair may be
78 any person present at the meeting. If the chair is a landowner
79 or proxy holder of a landowner, he or she may nominate
80 candidates and make and second motions.

81 (b) At the ~~such~~ meeting, each landowner is ~~shall be~~
82 entitled to cast one vote per acre of land owned by him or her
83 and located within the district for each person to be elected. A
84 landowner may vote in person or by proxy in writing. Each proxy
85 must be signed by one of the legal owners of the property for
86 which the vote is cast and must contain the typed or printed
87 name of the individual who signed the proxy; the street address,
88 legal description of the property, or tax parcel identification
89 number; and the number of authorized votes. If the proxy
90 authorizes more than one vote, each property must be listed and
91 the number of acres of each property must be included. The
92 signature on a proxy need not be notarized. A fraction of an
93 acre shall be treated as 1 acre, entitling the landowner to one
94 vote with respect thereto. For purposes of determining voting
95 interests, platted lots shall be counted individually and
96 rounded up to the nearest whole acre. The acreage of platted
97 lots may ~~shall~~ not be aggregated for determining the number of
98 voting units held by a landowner or a landowner's proxy. The two
99 candidates receiving the highest number of votes shall be



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100 elected to ~~for~~ a term period of 4 years, and the three
101 candidates receiving the next largest number of votes shall be
102 elected to ~~for~~ a term period of 2 years, with the term of office
103 for each successful candidate commencing upon election. After
104 the initial election ~~The members of the first board elected by~~
105 ~~landowners shall serve their respective 4-year or 2-year terms;~~
106 ~~however,~~ the next election by landowners shall be held on the
107 first Tuesday in November. Thereafter, ~~there shall be an~~
108 election of supervisors for the district must be held every 2
109 years. The election must be held by mail ballot on a date that
110 is acceptable to the board and the supervisor of elections or by
111 a regular ballot on the date of a general or special election or
112 other date that is acceptable to the board and the supervisor of
113 elections in November on a date established by the board and
114 ~~noticed pursuant to paragraph (a).~~ The second and subsequent
115 landowners' election shall be announced at a public meeting of
116 the board at least 90 days before ~~prior to~~ the date of the
117 landowners' meeting and shall ~~also~~ be noticed pursuant to
118 paragraph (a). Instructions on how all landowners may
119 participate in the election, along with sample proxies, shall be
120 provided during the board meeting that announces the landowners'
121 meeting. The two candidates receiving the highest number of
122 votes shall be elected to serve for a 4-year term period, and
123 the remaining candidate elected shall serve for a 2-year term
124 period.

125 (3) (a) 1. If the board proposes to exercise the ad valorem
126 taxing power authorized by s. 190.021, the district board shall
127 call a special ~~an~~ election at which the members of the board of
128 supervisors will be elected. The special election must be held



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129 on a date that is acceptable to the board and the supervisor of
130 elections. The special ~~Such~~ election may be held by mail ballot
131 or by regular ballot on a date other than the date of ~~shall be~~
132 ~~held in conjunction with~~ a primary or general election. ~~unless~~
133 The district ~~shall bear~~ bears the cost of the a special
134 election. Each member shall be elected by the qualified electors
135 of the district for a term of 4 years, except that, at the first
136 such election, three members shall be elected for a period of 4
137 years and two members shall be elected for a period of 2 years.
138 All elected board members must be qualified electors of the
139 district.

140 2.a. Regardless of whether a district has proposed to levy
141 ad valorem taxes, commencing 6 years after the initial
142 appointment of members or, for a district exceeding 5,000 acres
143 in area or for a compact, urban, mixed-use district, 10 years
144 after the initial appointment of members, the position of each
145 member whose term has expired shall be filled by a qualified
146 elector of the district, elected by the qualified electors of
147 the district. However, for those districts established after
148 June 21, 1991, and for those existing districts established
149 after December 31, 1983, which have fewer ~~less~~ than 50 qualified
150 electors on June 21, 1991, sub-subparagraphs b. and d. shall
151 apply. If, in the 6th year after the initial appointment of
152 members, or 10 years after such initial appointment for
153 districts exceeding 5,000 acres in area or for a compact, urban,
154 mixed-use district, there are not at least 250 qualified
155 electors in the district, or for a district exceeding 5,000
156 acres or for a compact, urban, mixed-use district, there are not
157 at least 500 qualified electors, members of the board shall



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158 continue to be elected by landowners.

159 b. After the 6th or 10th year, once a district reaches 250
160 or 500 qualified electors, respectively, ~~then~~ the positions of
161 two board members whose terms are expiring shall be filled by
162 qualified electors of the district, elected by the qualified
163 electors of the district for 4-year terms. The remaining board
164 member whose term is expiring shall be elected for a 4-year term
165 by the landowners and is not required to be a qualified elector.
166 Thereafter, as terms expire, board members shall be qualified
167 electors elected by qualified electors of the district for a
168 term of 4 years.

169 c. Once a district qualifies to have any of its board
170 members elected by the qualified electors of the district, the
171 initial and all subsequent elections by the qualified electors
172 of the district shall be held at the general election in
173 November. The board shall adopt a resolution if necessary to
174 implement this requirement when the board determines the number
175 of qualified electors as required by sub-subparagraph d., to
176 extend or reduce the terms of current board members.

177 d. On or before June 1 of each year, the board shall
178 determine the number of qualified electors in the district as of
179 the immediately preceding April 15. The board shall use and rely
180 upon the official records maintained by the supervisor of
181 elections and property appraiser or tax collector in each county
182 in making this determination. Such determination shall be made
183 at a properly noticed meeting of the board and shall become a
184 part of the official minutes of the district.

185 (b) Elections of board members by qualified electors held
186 pursuant to this subsection shall be nonpartisan and shall be



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187 conducted in the manner prescribed by law for holding general
188 elections. The district shall publish a notice of the qualifying
189 period set by the supervisor of elections for each election at
190 least 2 weeks before ~~prior to~~ the start of the qualifying
191 period. Board members shall assume the office on the second
192 Tuesday following their election. If no elector qualifies for a
193 seat to be filled in an election, a vacancy in that seat shall
194 be declared by the board effective on the second Tuesday
195 following the election. Within 90 days thereafter, the board
196 shall appoint a qualified elector to fill the vacancy. Until
197 such appointment, the incumbent board member in that seat shall
198 remain in office.

199
200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 Delete line 2

203 and insert:

204 An act relating to elections; amending s. 99.061,
205 F.S.; revising the method of qualifying for election
206 to a board of supervisors of a community development
207 district; amending s. 101.043,

208
209 Delete line 6

210 and insert:

211 the elector's legal residence; amending s. 101.6102,
212 F.S.; providing that an election of a candidate to the
213 board of supervisors of a community development
214 district may be conducted by mail ballot; amending s.
215 106.025,



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216

217 Delete line 17

218 and insert:

219 debit cards are considered bank checks; amending s.

220 190.006, F.S.; providing editorial changes; revising

221 the election process for members of a district board;

222 revising the process for a special election at which

223 the members of the board of supervisors will be

224 elected; providing an