

By Senator Smith

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1 A bill to be entitled
2 An act relating to the election of the board of
3 supervisors of a community development district;
4 amending s. 99.061, F.S.; specifying the qualifying
5 period for a person seeking to qualify for election to
6 the board of supervisors of a community development
7 district; amending s. 101.6102, F.S.; authorizing the
8 election of the board of supervisors of a community
9 development district to be conducted by mail; amending
10 s. 190.006, F.S.; providing for the election of the
11 board of supervisors of a community development
12 district to be conducted by mail or regular ballot on
13 a date that is acceptable to the board and the
14 supervisor of elections; providing for the special
15 election of the board of supervisors after the board
16 proposes to exercise ad valorem taxing powers to occur
17 by mail on a date acceptable to the board and the
18 supervisor of elections or by regular ballot on a date
19 that is acceptable to the board and the supervisor of
20 elections, other than the date of a primary or general
21 election; making technical and grammatical changes;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (3) of section 99.061, Florida
27 Statutes, is amended to read:

28 99.061 Method of qualifying for nomination or election to
29 federal, state, county, or district office.-

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30 (3) Notwithstanding ~~the provisions of~~ any special act to
31 the contrary, a each person seeking to qualify for election to a
32 special district office, except the board of supervisors of a
33 community development district, shall qualify between noon of
34 the 71st day before ~~prior to~~ the primary election and noon of
35 the 67th day before ~~prior to~~ the date of the primary election. A
36 person seeking to qualify for the board of supervisors of a
37 community development district shall qualify between noon of the
38 71st day before and noon of the 67th day before the date of the
39 election of the board. Candidates for single-county special
40 districts shall qualify with the supervisor of elections in the
41 county in which the district is located. If the district is a
42 multicounty district, candidates shall qualify with the
43 Department of State. All special district candidates shall
44 qualify by paying a filing fee of \$25 or qualify by the petition
45 process pursuant to s. 99.095. Notwithstanding s. 106.021, a
46 candidate who does not collect contributions and whose only
47 expense is the filing fee or signature verification fee is not
48 required to appoint a campaign treasurer or designate a primary
49 campaign depository.

50 Section 2. Subsections (2) and (5) of section 101.6102,
51 Florida Statutes, are amended to read:

52 101.6102 Mail ballot elections; limitations.—

53 (2) The following elections may not be conducted by mail
54 ballot:

55 (a) An election at which any candidate is nominated,
56 elected, retained, or recalled, except an election of a
57 candidate to the board of supervisors of a community development
58 district; or

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59 (b) An election held on the same date as another election,
60 other than a mail ballot election, in which the qualified
61 electors of that political subdivision are eligible to cast
62 ballots.

63 (5) ~~Nothing in~~ This section does not ~~shall be construed to~~
64 prohibit the use of a mail ballot election in a municipal
65 annexation referendum requiring separate vote of the registered
66 electors of the annexing municipality and of the area proposed
67 to be annexed. If a mail ballot election is authorized for a
68 municipal annexation referendum, the provisions of ss. 101.6101-
69 101.6107 shall control over any conflicting provisions of s.
70 171.0413.

71 Section 3. Section 190.006, Florida Statutes, is amended to
72 read:

73 190.006 Board of supervisors; members and meetings.—

74 (1) The board of the district shall exercise the powers
75 granted to the district pursuant to this act. The board shall
76 consist of five members; except as otherwise provided herein,
77 each member shall be elected to ~~hold office for~~ a term of 2
78 years or 4 years, as provided in this section, and until a
79 successor is chosen and qualifies. The members of the board must
80 be residents of the state and citizens of the United States.

81 (2) (a) Within 90 days after ~~following~~ the effective date of
82 the rule or ordinance establishing the district, ~~there shall be~~
83 ~~held~~ a meeting of the landowners of the district shall be held
84 for the purpose of electing five supervisors for the district.
85 Notice of the landowners' meeting shall be published once a week
86 for 2 consecutive weeks in a newspaper of ~~which is in~~ general
87 circulation in the area of the district. 7 The last day of ~~such~~

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88 publication of the notice may ~~to be~~ not be less ~~fewer~~ than 14
89 days or more than 28 days before the date of the election. The
90 landowners, when assembled at such meeting, shall organize by
91 electing a chair who shall conduct the meeting. The chair may be
92 any person present at the meeting. If the chair is a landowner
93 or proxy holder of a landowner, he or she may nominate
94 candidates and make and second motions.

95 (b) At the ~~such~~ meeting, each landowner is ~~shall be~~
96 entitled to cast one vote per acre of land owned by him or her
97 and located within the district for each person to be elected. A
98 landowner may vote in person or by proxy in writing. Each proxy
99 must be signed by one of the legal owners of the property for
100 which the vote is cast and must contain the typed or printed
101 name of the individual who signed the proxy; the street address,
102 legal description of the property, or tax parcel identification
103 number; and the number of authorized votes. If the proxy
104 authorizes more than one vote, each property must be listed and
105 the number of acres of each property must be included. The
106 signature on a proxy need not be notarized. A fraction of an
107 acre shall be treated as 1 acre, entitling the landowner to one
108 vote with respect thereto. For purposes of determining voting
109 interests, platted lots shall be counted individually and
110 rounded up to the nearest whole acre. The acreage of platted
111 lots may ~~shall~~ not be aggregated for determining the number of
112 voting units held by a landowner or a landowner's proxy. The two
113 candidates receiving the highest number of votes shall be
114 elected to ~~for~~ a term ~~period~~ of 4 years, and the three
115 candidates receiving the next largest number of votes shall be
116 elected to ~~for~~ a term ~~period~~ of 2 years, with the term of office

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117 for each successful candidate commencing upon election. After
118 the initial election ~~The members of the first board elected by~~
119 ~~landowners shall serve their respective 4-year or 2-year terms;~~
120 ~~however,~~ the next election by landowners shall be held on the
121 first Tuesday in November. Thereafter, ~~there shall be an~~
122 election of supervisors for the district shall be held every 2
123 years. The elections shall be held by mail ballot on a date that
124 is acceptable to the board and the supervisor of elections or by
125 a regular ballot on the date of a general or special election or
126 other date that is acceptable to the board and the supervisor of
127 elections in November on a date established by the board and
128 ~~noticed pursuant to paragraph (a).~~ The second and subsequent
129 landowners' election shall be announced at a public meeting of
130 the board at least 90 days before ~~prior to~~ the date of the
131 landowners' meeting and shall ~~also~~ be noticed pursuant to
132 paragraph (a). Instructions on how all landowners may
133 participate in the election, along with sample proxies, shall be
134 provided during the board meeting that announces the landowners'
135 meeting. The two candidates receiving the highest number of
136 votes shall be elected to serve for a 4-year term period, and
137 the remaining candidate elected shall serve for a 2-year term
138 period.

139 (3) (a)1. If the board proposes to exercise the ad valorem
140 taxing power authorized by s. 190.021, the district board shall
141 call a special ~~an~~ election at which the members of the board of
142 supervisors will be elected. The special election shall be held
143 on a date that is acceptable to the board and the supervisor of
144 elections. The special ~~Such~~ election may be held by mail ballot
145 or by regular ballot on a date other than the date of ~~shall be~~

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146 ~~held in conjunction with~~ a primary or general election. ~~unless~~
147 The district shall bear ~~bears~~ the cost of the ~~a~~ special
148 election. Each member shall be elected by the qualified electors
149 of the district for a term of 4 years, except that, at the first
150 such election, three members shall be elected for a period of 4
151 years and two members shall be elected for a period of 2 years.
152 All elected board members must be qualified electors of the
153 district.

154 2.a. Regardless of whether a district has proposed to levy
155 ad valorem taxes, commencing 6 years after the initial
156 appointment of members or, for a district exceeding 5,000 acres
157 in area or for a compact, urban, mixed-use district, 10 years
158 after the initial appointment of members, the position of each
159 member whose term has expired shall be filled by a qualified
160 elector of the district, elected by the qualified electors of
161 the district. However, for those districts established after
162 June 21, 1991, and for those existing districts established
163 after December 31, 1983, which have fewer ~~less~~ than 50 qualified
164 electors on June 21, 1991, sub-subparagraphs b. and d. shall
165 apply. If, in the 6th year after the initial appointment of
166 members, or 10 years after such initial appointment for
167 districts exceeding 5,000 acres in area or for a compact, urban,
168 mixed-use district, there are not at least 250 qualified
169 electors in the district, or for a district exceeding 5,000
170 acres or for a compact, urban, mixed-use district, there are not
171 at least 500 qualified electors, members of the board shall
172 continue to be elected by landowners.

173 b. After the 6th or 10th year, once a district reaches 250
174 or 500 qualified electors, respectively, ~~then~~ the positions of

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175 two board members whose terms are expiring shall be filled by
176 qualified electors of the district, elected by the qualified
177 electors of the district for 4-year terms. The remaining board
178 member whose term is expiring shall be elected for a 4-year term
179 by the landowners and is not required to be a qualified elector.
180 Thereafter, as terms expire, board members shall be qualified
181 electors elected by qualified electors of the district for a
182 term of 4 years.

183 c. Once a district qualifies to have any of its board
184 members elected by the qualified electors of the district, the
185 initial and all subsequent elections by the qualified electors
186 of the district shall be held at the general election in
187 November. The board shall adopt a resolution if necessary to
188 implement this requirement when the board determines the number
189 of qualified electors as required by sub-subparagraph d., to
190 extend or reduce the terms of current board members.

191 d. On or before June 1 of each year, the board shall
192 determine the number of qualified electors in the district as of
193 the immediately preceding April 15. The board shall use and rely
194 upon the official records maintained by the supervisor of
195 elections and property appraiser or tax collector in each county
196 in making this determination. Such determination shall be made
197 at a properly noticed meeting of the board and shall become a
198 part of the official minutes of the district.

199 (b) Elections of board members by qualified electors held
200 pursuant to this subsection shall be nonpartisan and shall be
201 conducted in the manner prescribed by law for holding general
202 elections. The district shall publish a notice of the qualifying
203 period set by the supervisor of elections for each election at

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204 least 2 weeks before ~~prior to~~ the start of the qualifying
205 period. Board members shall assume the office on the second
206 Tuesday following their election. If no elector qualifies for a
207 seat to be filled in an election, a vacancy in that seat shall
208 be declared by the board effective on the second Tuesday
209 following the election. Within 90 days thereafter, the board
210 shall appoint a qualified elector to fill the vacancy. Until
211 such appointment, the incumbent board member in that seat shall
212 remain in office.

213 (c) Candidates seeking election to office by qualified
214 electors under this subsection shall conduct their campaigns in
215 accordance with the provisions of chapter 106 and shall file
216 qualifying papers and qualify for individual seats in accordance
217 with s. 99.061.

218 (d) The supervisor of elections shall appoint the
219 inspectors and clerks of elections, prepare and furnish the
220 ballots, designate polling places, and canvass the returns of
221 the election of board members by qualified electors. The county
222 canvassing board shall declare and certify the results of the
223 election.

224 (4) Members of the board shall be known as supervisors and,
225 upon entering into office, shall take and subscribe to the oath
226 of office as prescribed by s. 876.05. They shall hold office for
227 the terms for which they were elected or appointed and until
228 their successors are chosen and qualified. If, during the term
229 of office, a vacancy occurs, the remaining members of the board
230 shall fill the vacancy by an appointment for the remainder of
231 the unexpired term.

232 (5) A majority of the members of the board constitutes a

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233 quorum for the purposes of conducting its business and
234 exercising its powers and for all other purposes. Action taken
235 by the district shall be upon a vote of a majority of the
236 members present unless general law or a rule of the district
237 requires a greater number.

238 (6) As soon as practicable after each election or
239 appointment, the board shall organize by electing one of its
240 members as chair and by electing a secretary, who need not be a
241 member of the board, and such other officers as the board may
242 deem necessary.

243 (7) The board shall keep a permanent record book entitled
244 "Record of Proceedings of ... (name of district) ... Community
245 Development District," in which shall be recorded minutes of all
246 meetings, resolutions, proceedings, certificates, bonds given by
247 all employees, and any and all corporate acts. The record book
248 shall at reasonable times be opened to inspection in the same
249 manner as state, county, and municipal records pursuant to
250 chapter 119. The record book shall be kept at the office or
251 other regular place of business maintained by the board in the
252 county or municipality in which the district is located or
253 within the boundaries of a development of regional impact or
254 Florida Quality Development, or combination of a development of
255 regional impact and Florida Quality Development, which includes
256 the district.

257 (8) Each supervisor shall be entitled to receive for his or
258 her services an amount not to exceed \$200 per meeting of the
259 board of supervisors, not to exceed \$4,800 per year per
260 supervisor, or an amount established by the electors at
261 referendum. In addition, each supervisor shall receive travel

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262 and per diem expenses as set forth in s. 112.061.

263 (9) All meetings of the board shall be open to the public
264 and governed by the provisions of chapter 286.

265 Section 4. This act shall take effect July 1, 2012.