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CS/HB 1499

2021 Legislature

1
 2 An act relating to the Pine Tree Water Control
 3 District, Broward County; amending ch. 2001-320, Laws
 4 of Florida; providing an exception to general law;
 5 requiring members of the Board of Supervisors be
 6 elected through a general election; providing for
 7 staggered terms; providing requirements for elections
 8 of the board and candidates seeking election;
 9 requiring the Supervisor of Elections of Broward
 10 County to appoint certain persons, prepare and furnish
 11 ballots, designate polling places, and canvass the
 12 returns; providing definitions; providing for
 13 declaration and certification of election results;
 14 providing requirements for a referendum; providing
 15 effective dates.

16
 17 Be It Enacted by the Legislature of the State of Florida:
 18

19 Section 1. Subsection (1) of section 5 of section 3 of
 20 chapter 2001-320, Laws of Florida, is amended to read:

21 Section 5. Board; election; organization; terms of office;
 22 vacancy; quorum.—

23 (1) The Board of the District shall be the governing body
 24 of the District and shall exercise the powers granted to the
 25 District under this Act and under chapters 189 and 298, Florida

ENROLLED

CS/HB 1499

2021 Legislature

26 Statutes. The District is an independent special district as
 27 defined in section 189.012(3) ~~section 189.403(3)~~, Florida
 28 Statutes. The Board shall consist of five members and,
 29 notwithstanding any other provision of law to the contrary,
 30 three members of the Board of Supervisors shall be elected by
 31 the qualified electors of the District. Election of the Board by
 32 the qualified electors shall be the exclusive method for the
 33 elections of the members of the Board of Supervisors. The fourth
 34 member of the Board of Supervisors shall be appointed by the
 35 City Commission of the City of Coral Springs and shall serve as
 36 a member of the Board until replaced. The fifth member of the
 37 Board of Supervisors shall be appointed by the City Commission
 38 of the City of Parkland and shall serve as a member of the Board
 39 until replaced ~~except as otherwise provided herein, each member~~
 40 ~~shall be elected in compliance with all applicable election laws~~
 41 ~~by the landowners of the District. Commencing in 1994 and every~~
 42 ~~2 years thereafter, two members of the Board shall be elected by~~
 43 ~~the landowners of the District. The member receiving the highest~~
 44 ~~number of votes shall be elected for a 4-year term and the~~
 45 ~~member receiving the second highest number of votes shall be~~
 46 ~~elected for a 2-year term. The fourth and fifth members of the~~
 47 ~~Board of Supervisors shall be appointed by the City of Coral~~
 48 ~~Springs City Commission and the City of Parkland City~~
 49 ~~Commission, respectively, and shall serve as members of the~~
 50 ~~Board until replaced. All of the members shall be residents of~~

ENROLLED

CS/HB 1499

2021 Legislature

51 ~~Broward County and all members shall be residents of Florida and~~
52 ~~shall be landowners within the District.~~

53 (a) The Board shall call an election at which the members
54 of the Board of Supervisors will be elected. Such election shall
55 be held in conjunction with the next general election in
56 November 2024. Candidates may qualify for the offices of Board
57 of Supervisors, designated as seat 1, seat 2, and seat 3, each
58 elected at large within the District. A candidate qualifying for
59 election must be an elector and resident of the District. Each
60 Board member shall be elected by the qualified electors of the
61 District for a term of 4 years, except that, at the first such
62 election, the two members elected to seat 1 and seat 2 shall be
63 elected for a term of 4 years each, and the member elected to
64 seat 3 shall be elected for a term of 2 years. Thereafter, there
65 shall be an election held every 2 years for expiring terms and
66 all members shall be elected for terms of 4 years each. The
67 candidate receiving the most votes for each seat shall be
68 elected. All elected Board members must be qualified electors of
69 the District. Members of the Board of Supervisors as of October
70 1, 2023, shall serve until the certification of the November
71 2024 general election results.

72 (b) Elections of board members by qualified electors held
73 pursuant to this subsection shall be nonpartisan and shall be
74 conducted in the manner prescribed by law for holding general
75 elections. Board members shall assume the office on the second

ENROLLED

CS/HB 1499

2021 Legislature

76 Tuesday following their election.

77 (c) Candidates seeking election to office by qualified
78 electors under this subsection shall conduct their campaigns in
79 accordance with the provisions of chapter 106, Florida Statutes,
80 and shall file qualifying papers and qualify for individual
81 seats in accordance with section 99.061, Florida Statutes.
82 Candidates shall pay a qualifying fee, which shall consist of a
83 filing fee and election assessment or, as an alternative, shall
84 file a petition signed by not less than 1 percent of the
85 qualified electors for the District, and take the oath required
86 in section 99.021, Florida Statutes, with the Supervisor of
87 Elections of Broward County. The amount of the filing fee is 3
88 percent of the annual salary of the office. The amount of the
89 election assessment is 1 percent of the annual salary of the
90 office. The filing fee and election assessment shall be
91 distributed as provided in section 105.031(3), Florida Statutes.

92 (d) The Supervisor of Elections of Broward County shall
93 appoint the inspectors and clerks of elections, prepare and
94 furnish the ballots, designate polling places, and canvass the
95 returns of the election of Board members by qualified electors.
96 The county canvassing board shall declare and certify the
97 results of the election.

98 (e) Subsections (2) and (3) shall apply to a Board of
99 Supervisors elected pursuant to this subsection.

100 (f) The terms "qualifying elector" and "elector" shall

ENROLLED

CS/HB 1499

2021 Legislature

101 mean any person at least 18 years of age who is a citizen of the
 102 United States, a permanent resident of Florida, and a resident
 103 of the District who registers with the supervisor of elections
 104 of the county in which the District lands are located when the
 105 registration books are open.

106 Section 2. Referendum election.—

107 (1) The referendum election called for by this act shall
 108 be held on November 8, 2022, the 2022 General Election.

109 (2) The ballot title for the referendum question shall be
 110 in substantially the following form:

111 AMENDING DISTRICT CHARTER PROVIDING FOR ELECTION OF
 112 DISTRICT SUPERVISORS BY MAJORITY OF ALL QUALIFIED ELECTORS

113 (3) The referendum question shall be placed on the ballot
 114 in substantially the following form:

115 Shall Chapter 2021- , Laws of Florida, amending the
 116 Pine Tree Water Control District Charter, providing for a
 117 five member District Board of Supervisors, with three
 118 members elected by majority vote of all qualified electors
 119 of the district for four year terms, with staggered
 120 elections every two years beginning in November 2024, one
 121 member appointed by the City of Coral Springs, and one
 122 member appointed by the City of Parkland, become effective?

123 () YES.

124 () NO.

125 (4) In the event this question is answered affirmatively

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2021 Legislature

126 | by a majority of the qualified voters voting in the referendum,
127 | the charter amendment will take effect. The referendum election
128 | shall be conducted by the Supervisor of Elections of Broward
129 | County in accordance with the Florida Election Code.

130 | Section 3. This act shall take effect upon its approval by
131 | a majority vote of the qualified electors of the Pine Tree Water
132 | Control District voting in a referendum conducted in accordance
133 | with the provisions of law relating to elections currently in
134 | force, except this section and section 2 shall take effect upon
135 | becoming a law.