

Senate Bill No. 2596

An act relating to the Lake Worth Drainage District, Palm Beach County; amending s. 4 of section 2 of chapter 98-525, Laws of Florida; providing for the board of supervisors of the district to be elected from single-member subdistricts; increasing the membership of the board of supervisors; deleting provisions that authorize a referendum on the procedures for electing the board of supervisors; providing for the members of the board of supervisors on the effective date of the act to remain in office until the expiration of their terms; providing an effective date.

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

Section 1. Section 4 of section 2 of chapter 98-525, Laws of Florida, is amended to read:

Section 4. Board of supervisors; elections.—

~~(1) BOARD OF SUPERVISORS, APPOINTMENTS, ELECTIONS, POWERS, DUTIES, AND TERMS OF OFFICE.—~~There is hereby created a Board of Supervisors of the Lake Worth Drainage District, which shall be the governing body of the district. The board of supervisors shall consist of five ~~three~~ persons. ~~Each candidate to be qualified for the office of supervisor shall be either himself or herself a landowner or he or she shall be the president of a corporate landowner, and~~ All of the qualified voters of the entire district shall be allowed to vote for the election of all of the supervisors to be elected. All supervisors shall hold office for a term of 3 years and until their successors are duly elected and qualified.

(a) Hereafter, on the first Wednesday after the 3rd of January ~~October~~, a qualified supervisors shall be elected for a term of 3 years ~~in rotation~~, by the landowners of the district, to take the place of the retiring supervisor.

~~(b) In case of a vacancy in the office of any supervisor, the remaining supervisors shall within 60 days fill such vacancy by appointment for the unexpired term.~~

~~(c) All vacancies or expirations on the board of supervisors shall be filled as required by this subsection. All supervisors shall hold office until their successors have been elected and qualified.~~

~~(b)(d)~~ Whenever an election is authorized or required by this subsection to be held by the landowners at any particular or stated time of day, and if, for any reason, such election is not or cannot be held at such time or on such day, then in such event and in all and every such event the power or duty to hold such election shall not cease or lapse, but such election shall be held thereafter as soon as practicable and consistent with this subsection.

(c) In addition to the notice required by law, the district shall cause notice to be published, once a week for two (2) consecutive weeks immediately

preceding the date of the regular district election, in a newspaper of general circulation in the district, of not less than one-fourth page size, providing a map of the district and the date, time, and location of where the election will be held. The district shall also take all steps to insure that there is a reasonable level of publicity concerning the election.

(2) SINGLE-MEMBER SUBDISTRICT ELECTIONS; SUBDISTRICT BOUNDARIES.—

(a) Definitions.—As used in this subsection, the term:

1. “Board” means the Board of Supervisors of the Lake Worth Drainage District.

2. “District” means the Lake Worth Drainage District.

3. “Qualified elector” means any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a freeholder, freeholder’s spouse, or authorized representative of a legal entity holding title to land in the district. Presidents or other indicated officers or agents may represent corporations or other legal entities, guardians may represent their wards, and executors and administrators may represent the estates of deceased persons and be qualified to represent the corporate landowner and hold the office of supervisor.

(b) Single-member subdistrict elections.—

~~1. Petition.—A referendum shall be called by the board of supervisors of the district on the question of whether members of the board should be elected on a single-member subdistrict basis, provided a petition signed by 10 percent or more of the qualified electors of the district is filed with the board requesting a referendum on adoption of the election procedures set forth in this subsection.~~

~~2. Referendum.—Upon verification by the Supervisor of Elections of Palm Beach County that 10 percent of the qualified electors of the district have petitioned the board of supervisors, a referendum election shall be called by the board at the next regularly scheduled election or within 6 months after verification, whichever is earlier.~~

~~3. Disapproval of referendum.—If the qualified electors of the district disapprove the election procedures described in this subsection, elections of the members of the board shall continue as described in subsection (1) and s. 298.12, Florida Statutes. No further referendum on the question shall be held for a minimum of 2 years.~~

~~4. Approval of referendum; single-member subdistrict elections.—~~

~~a. Increase in board size.—If the qualified electors approve the election procedure described in this subsection, the board of supervisors of the district shall be increased to five members and elections shall be held pursuant to the criteria described in this subparagraph beginning with the next regularly scheduled election of the board.~~

b. ~~Single member subdistrict elections.—If the election process described in this subparagraph is approved by the qualified electors of the district,~~

1. ~~Members of the board of supervisors shall be elected from five single-member subdistricts, the boundaries of which are set forth in paragraph (c). Only those qualified electors owning property or representing property in a subdistrict may cast votes for candidates for the subdistrict. However, an owner or representative may only cast votes in a subdistrict election equal to the acreage owned within the subdistrict. Each acre, or fraction thereof, of land in the district shall represent one vote, and each owner shall be entitled to one vote, in person or by proxy, for every acre, or fraction thereof, of land owned within the district. The subdistrict candidate receiving the greatest number of votes shall be the supervisor from that subdistrict.~~

2.e. ~~Term of office.—All board members shall have a term of 3 4 years except the board members elected at the first election following the effective date of this act. ~~the referendum prescribed in subparagraph 2. With respect to the members initially elected, the three candidates receiving the greatest number of votes from subdistricts 1, 2, and 3 shall be elected for a period of 4 years, and the two candidates receiving the greatest number of votes from subdistricts 4 and 5 shall be elected for a period of 2 years. Subsequent elections shall be held to elect members of the board during the same month as the first election in years when any board member's term will expire.~~~~

3.d. ~~Qualifications.—Elections for board members shall be nonpartisan. A candidate for the office of supervisor of subdistrict 3, 4, or 5 shall at the time of election be a landowner and resident of the subdistrict for which he or she qualifies. Qualification shall occur during the qualifying period established by ss. 99.061, Florida Statutes. Each candidate to be qualified for the office of supervisor of subdistrict 1 or 2 shall at the time of election be a qualified elector of the district.~~

4.e. ~~Vacancies.—A vacancy shall occur if a supervisor ceases to be qualified for the seat that he or she holds. If any vacancy occurs in a seat occupied by a governing board member, the remaining members of the board shall, within 45 days after receipt of a resignation or other event causing a vacancy, appoint a person who would be eligible to hold the office until the next regularly scheduled district election at which time an election will be held to fill the unexpired term of the vacant seat for the unexpired term of the resigning member.~~

(c) ~~Boundaries of single-member subdistricts.—If the referendum called by the board of supervisors on the question of whether the board should be elected on a single-member subdistrict basis is approved, The district shall be divided for the purposes of electing members to the board upon the following territorial boundaries:~~

1. The boundary lines of subdistrict 1 shall be:

All that part of the JURISDICTIONAL LIMITS OF THE LAKE WORTH DRAINAGE DISTRICT lying westerly of the centerline of FLORIDA'S TURNPIKE and lying northerly of the South lines of BLOCKS 59 and 60, PALM BEACH FARMS CO. PLAT NO. 3, as same is recorded in Plat

Book 2 at pages 45 through 54, Public Records of Palm Beach County, Florida, and northerly of the South line of Township 45 South, Range 41 East, all in Palm Beach County, Florida.

2. The boundary lines of subdistrict 2 shall be:

All that part of the JURISDICTIONAL LIMITS OF THE LAKE WORTH DRAINAGE DISTRICT lying westerly of the centerline of FLORIDA'S TURNPIKE and lying southerly of the North lines of BLOCKS 62 and 63, PALM BEACH FARMS CO. PLAT NO. 3, as same is recorded in Plat Book 2 at pages 45 through 54, Public Records of Palm Beach County, Florida, and southerly of the North line of Township 46 South, Range 41 East, all in Palm Beach County, Florida.

3. The boundary lines of subdistrict 3 shall be:

All that part of the JURISDICTIONAL LIMITS OF THE LAKE WORTH DRAINAGE DISTRICT lying easterly of the centerline of FLORIDA'S TURNPIKE and lying northerly of the South line of Township 44 South, Range 42 East, and northerly of the South line of Township 44 South, Range 43 East, all in Palm Beach County, Florida.

4. The boundary lines of subdistrict 4 shall be:

All that part of the JURISDICTIONAL LIMITS OF THE LAKE WORTH DRAINAGE DISTRICT lying easterly of the centerline of FLORIDA'S TURNPIKE and lying southerly of the North line of Township 44 ½ South, Range 42 East, and southerly of the North line of Township 44 ½ South, Range 43 East, and lying northerly of the centerline of DELRAY WEST ROAD (State Road 806), all in Palm Beach County, Florida.

5. The boundary lines of subdistrict 5 shall be:

All that part of the JURISDICTIONAL LIMITS OF THE LAKE WORTH DRAINAGE DISTRICT lying easterly of the centerline of FLORIDA'S TURNPIKE and lying southerly of the centerline of DELRAY WEST ROAD (State Road 806), all in Palm Beach County, Florida.

Section 2. Section 7(6) of chapter 98-525, Laws of Florida, is amended to read:

Section 7. Meetings of landowners; election of supervisors.—

(6) As to the elections of supervisors, the qualified candidate receiving the highest number of votes for supervisor shall be declared and elected as such supervisor. If more than one person is nominated for any vacancy on the board of supervisors, the candidate receiving the majority of the votes shall be elected. In the event no candidate receives a majority, then the landowners shall vote on two candidates receiving the most votes in a runoff election and the one receiving the majority shall be elected.

Section 3. The members of the board of supervisors who are in office on the effective date of this act shall continue in office for the remainder of their terms. Those supervisors represent subdistricts 1, 4, and 5. The two additional members must be qualified residents from each of subdistricts 2 and

3. The initial terms of office for the two additional members shall be 2 years for the member from subdistrict 2 and 3 years for the member from subdistrict 3.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.