

## House Bill No. 767

An act relating to the Northern Palm Beach County Improvement District; amending chapter 2000-467, Laws of Florida; increasing terms of office of members of the board of supervisors; revising procedures for election of board members; providing a definition; providing qualifications of board members; providing for filling of vacancies; providing certain exemption from campaign financing requirements; authorizing and providing conditions for compensation of board members; revising the time for holding annual meetings; precluding use of certain publicly owned property for voting shares; providing an effective date.

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

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

Section 4. Board of Supervisors; election, organization, powers, duties, and terms of office.—

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

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

(C) The first Board of Supervisors of the District shall be composed of five persons, two of whom shall hold office for 4 years from June 1, 1959, two of whom shall hold office for 3 years from June 1, 1959, and one of whom shall hold office for 2 years from June 1, 1959. Within 30 days after this Act becomes a law, the Clerk of the Circuit Court of Palm Beach County shall call a special meeting of landowners of Northern Palm Beach County Improvement District for the purpose of electing the first Board of Supervisors for Northern Palm Beach County Improvement District as herein provided. Notice of such special meeting of landowners shall be given by the Clerk of the Circuit Court of Palm Beach County by causing publication thereof to be made once a week for 2 consecutive weeks prior to such meeting in some newspaper published in Palm Beach County. Such special meeting of landowners shall be held in some public place in Palm Beach County, and the place, date, and hour of holding such meeting and the purpose thereof shall be stated in the notice. The landowners when assembled shall organize by electing a Chair who shall preside at the meeting and a Secretary thereof. At such meeting, each and every acre, or any fraction thereof, of land in the District shall represent one share and each owner shall be entitled to one vote by person or by written proxy for every acre of land, or any fraction thereof, owned by him or her in the District. The landowners shall first vote for the Supervisors who are to hold office for the term of 4 years as herein

provided, and the persons receiving the highest number of votes for such Supervisors shall be declared and elected as such Supervisors. Said land owners shall next vote for the Supervisors who are to hold office for the term of 3 years as provided herein, and the persons receiving the highest number of votes for such Supervisors shall be declared and elected as such Supervisors. Said landowners shall next vote for the Supervisor who is to hold office for the term of 2 years as herein provided, and the person receiving the highest number of votes for such Supervisor shall be declared and elected as such Supervisor.

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

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

(2) The term of the board member which expires in 2006 shall be extended until the date of the general election in 2006. The seat shall be numbered seat 3. Seat 3 shall be filled for a term of 4 years as prescribed by 6(A) of this act. The board member elected to seat 3 shall take office within 10 days of election and shall serve until expiration of his or her term, resignation, removal, or election of a new board member for that position.

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

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

(1) The two members of the board elected by electors shall be residents and electors of the District as defined by section 3(D)(1) of this act. One Board member shall be a resident whose residence is located north of PGA Boulevard, and one Board member shall be a resident whose residence is south of PGA Boulevard. For candidates who reside within the District and west of the current terminus of PGA Boulevard at the Beeline Highway or east of the terminus of PGA Boulevard at U.S. Highway 1, residency location shall be determined by extending the center line of PGA Boulevard at the applicable point of terminus due west to Lake Okeechobee and due east to the Atlantic Ocean. In the event any board member who is elected by the electors fails to maintain residency within the District, the member shall notify the District within 10 days of his or her loss of residency. Failure to reestablish residency within 30 days of its loss will create an automatic vacancy for that Board of Supervisors position.

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

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

(F) In the event of any vacancy on the board, a qualified individual shall be appointed by a simple majority vote of the remaining members of the board. The appointee shall serve until the next general election. At that election, the position shall either be open for election for a full term or the remainder of the vacated seat, whichever is appropriate.

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

(G)(E) As soon as practicable after their election, the Board of Supervisors of the District shall organize by choosing one of their number President of the Board of Supervisors and by electing some suitable person Secretary,

who may or may not be a member of said Board. The Secretary shall be required to execute bond for the faithful performance of his or her duties in such penal amount as the Board may determine. The Board of Supervisors shall adopt a seal which shall be the seal of the District. At each annual meeting of the landowners of the District, the Board of Supervisors shall report all work undertaken or completed during the preceding year, and the status of the finances of the District.

~~(H)~~~~(F)~~ All Supervisors shall hold office until their successors shall be elected and qualified. Whenever any election shall be authorized or required by this Act to be held by the landowners at any particular or stated time or day, and if for any reason such election shall 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 Act.

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

Section 6. Meetings of landowners.—

(A) Each year during the month of ~~November~~ June, beginning with the month of ~~November 2006~~ June 1961, a meeting of the landowners of the District shall be held for the purpose of electing Supervisors ~~to take the place of retiring Supervisors~~ and hearing reports of the Board of Supervisors; provided, however, that a meeting of the landowners shall be held during the month of ~~November 2005~~ June 1960, for the purpose of receiving reports of the Board of Supervisors and considering any matters upon which the Board of Supervisors may request the advice and views of the landowners. The Board of Supervisors shall have the power to call special meetings of the landowners at any time to receive reports of the Board of Supervisors or consider and act upon any matter upon which the Board of Supervisors may request advice. Notice of all meetings of the landowners shall be given by the Board of Supervisors by causing publication thereof to be made for 2 consecutive weeks prior to such meeting in some newspaper published in Palm Beach County. The meetings of the landowners shall be held in some public place in said County, and the place, day, and hour of holding such meetings shall be stated in the notice. The landowners when assembled shall organize by electing a Chair who shall preside at the meeting. The Secretary of the Board of Supervisors shall be the Secretary of such meeting. At all such meetings each and every acre, or any fraction thereof, of land in the District, except publicly owned property against which the District does

not levy assessments, shall represent one share, and each owner shall be entitled to one vote in person or by written proxy for every acre, or any fraction thereof, of land owned by him or her in the District. The person receiving the highest number of votes for Supervisor shall be declared and elected as such Supervisor. Those landowners present or voting by proxy shall constitute a quorum at any meeting of the landowners.

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

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

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.