

CHAPTER 2010-243

House Bill No. 759

An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended; revising procedures for the election of members of the district's board of supervisors; updating obsolete language; revising application of the definition of "electors"; revising board member qualification and residency requirements; excluding certain lands from those lands for which a landowner is entitled to a vote at a meeting of landowners; providing an effective date.

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

Section 1. Sections 4 and 6 of section 3 of chapter 2000-467, Laws of Florida, as amended by chapters 2005-302 and 2006-330, Laws of Florida, are amended to read:

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

(A) There is ~~hereby~~ herby 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 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~~ 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) In 2005 ~~Upon the effective date of this act,~~ the following procedures ~~were made applicable shall apply~~ to the election of members, including appointees, to the Board of Supervisors of the District:

(1) The terms of two board members ~~that expired which expire~~ in 2005 ~~were shall be~~ extended until the date of the general election in 2006. The seats ~~were shall be~~ numbered seats 1 and 2, respectively. Seat 1 ~~has shall be filled for~~ a term of 4 years and is filled pursuant to section 6(A) of this Act. Seat 2 ~~was shall be~~ converted to a nonpartisan elected position ~~board member~~ as defined in ~~by~~ chapter 97 105, Florida Statutes. Candidates for seat 2 ~~this position~~ shall qualify with the Palm Beach County Supervisor of Elections pursuant to chapter 105, Florida Statutes, and are ~~shall be~~ elected for a term of 4 years by a plurality of the District electors within the District's jurisdictional boundary who vote ~~voting~~ in said election. As used in this Act, "electors" means ~~shall mean~~ registered voters as defined in ~~by~~ section 97.041, Florida Statutes. The board members elected to seats 1 and 2 shall each take office within 10 days after ~~of~~ election, and each shall serve until expiration of his or her ~~their~~ term, until his or her resignation or; removal, or until the election of a new board member for that position.

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

(3) The terms of the two board members that ~~were to expire~~ in 2007 ~~were~~ shall be extended until the date of the general election in 2008. The seats were ~~shall be~~ numbered seats 4 and 5, respectively. Seat 4 was ~~shall be filled~~ for a term of 4 years as prescribed by section 6(A) of this Act. Seat 5 was ~~shall be~~ converted to a nonpartisan elected position ~~board member~~ as defined in ~~by~~ chapter 97 105, Florida Statutes. Candidates for seat 5 ~~this position~~ shall qualify with the Palm Beach County Supervisor of Elections pursuant to chapter 105, Florida Statutes, and are ~~shall be~~ elected for a term of 4 years by a plurality of the District electors within the District's jurisdictional boundary who vote ~~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 each take office within 10 days after of election, and each shall serve until expiration of his or her ~~their~~ term, until his or her resignation or, removal, or until the 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 to seats 2 and 5 by electors within the District's jurisdictional boundary must shall be residents of the District and electors of the District as defined by section 3(D)(1) of this act.~~

~~(F) Starting with the general election in 2006 and until the day immediately preceding commencement of the qualifying period for the general election in 2012, the One board member elected to seat 5 must shall be a resident whose residence is located north of PGA Boulevard, and the one board member elected to seat 2 must shall be a resident whose residence is located 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. The residency qualification provisions in this subsection shall expire upon commencement of the qualifying period for the general election in 2012.~~

~~(G) Beginning with the landowner election in 2010, any member of the board elected pursuant to section 6(A) of this Act must be a resident of the State of Florida and either be a resident of Palm Beach County or own, or have a beneficial interest in an entity that owns, real property within the District. Any member who fails to maintain such residency or ownership requirements shall notify the district within 10 days after such loss of residency or ownership interest. Failure to cure the qualification deficiency within 30 days after the deadline for provision of such notice shall create an automatic vacancy for that member's seat.~~

~~(H) Commencing with the qualifying period for the general election in 2012, the qualification and election procedures for seats 2, 3, 4, and 5 shall be as follows:~~

~~(1) Beginning with the general election in 2012, seat 4 shall be converted to a nonpartisan elected position.~~

~~(2) Members elected to seats 4 and 5 must be residents of the District, must own, or have a beneficial interest in an entity that owns, real property within the District, and must be electors of the District.~~

~~(3) Beginning with the general election in 2014, seat 3 shall be converted to a nonpartisan elected position.~~

(4) Members elected to seats 2 and 3 must be residents of the District, must own, or have a beneficial interest in an entity that owns, real property within the District, and must be electors of the District.

(5) Candidates seeking election to seats 4 and 5 in 2012 and seats 2 and 3 in 2014 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 electors within the jurisdictional boundary of the District who vote in their respective general elections.

(6) Each nonpartisan elected board member shall take office within 10 days after election and shall serve until expiration of his or her term, until his or her resignation or removal, or until the election of a new board member for that position.

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

(J) Any board member holding a nonpartisan elected seat who fails to maintain his or her seat's qualifying or residency requirements shall notify the District within 10 days after such failure. A member's failure to reestablish such qualifying or residency requirements within 30 days after the deadline for provision of such notice shall create an automatic vacancy for that member's seat.

(K) For purposes of this Act, residency shall be determined by the location at which the candidate or member then permanently resides and presently intends to continue to permanently reside. 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.

(L)(F) In the event of any vacancy on the board, an a qualified individual who satisfies that seat's then applicable qualifying and residency requirements shall be selected and appointed by a simple majority vote of the remaining members of the board. The appointee shall serve until the next

general election if the seat is filled by electors or until the next annual landowners' meeting if the seat is filled pursuant to section 6(A) of this Act, at which time. ~~At that election,~~ the position shall either be open for election for either a full term or the remainder of the vacated seat's term ~~seat,~~ whichever is appropriate.

(M)(G) As soon as practicable after each 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 my 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.

(N)(H) 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 6. Meetings of landowners; elections.—

(A) ~~Commencing in Each year during the month of November, beginning with the month of November 2006,~~ a meeting of the landowners of the District shall be held annually in November for the purpose of ~~electing Supervisors and hearing reports of the Board of Supervisors and, when applicable, the holding of a;~~ provided, however, that a meeting of the landowners shall be held during the month of November 2005, for the purpose of receiving reports of the Board of Supervisors and considering any matters upon which the Board of Supervisors election 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, except for:

(1) Publicly owned lands against which the District does not levy assessments.

(2) Those lands that are not currently subject to the District's levy of assessments or lands for which assessments have not been paid for the previous year.

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.

(C) To be eligible for election pursuant to this section, 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.

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

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.