

CHAPTER 2021-254

Committee Substitute for House Bill No. 1499

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

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

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

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

(1) The Board of the District shall be the governing body of the District and shall exercise the powers granted to the District under this Act and under chapters 189 and 298, Florida Statutes. The District is an independent special district as defined in section 189.012(3) ~~section 189.403(3)~~, Florida Statutes. The Board shall consist of five members and, notwithstanding any other provision of law to the contrary, three members of the Board of Supervisors shall be elected by the qualified electors of the District. Election of the Board by the qualified electors shall be the exclusive method for the elections of the members of the Board of Supervisors. The fourth member of the Board of Supervisors shall be appointed by the City Commission of the City of Coral Springs and shall serve as a member of the Board until replaced. The fifth member of the Board of Supervisors shall be appointed by the City Commission of the City of Parkland and shall serve as a member of the Board until replaced except as otherwise provided herein; each member shall be elected in compliance with all applicable election laws by the landowners of the District. Commencing in 1994 and every 2 years thereafter, ~~two members of the Board shall be elected by the landowners of the District. The member receiving the highest number of votes shall be elected for a 4-year term and the member receiving the second highest number of votes shall be elected for a 2-year term. The fourth and fifth members of the Board of Supervisors shall be appointed by the City of Coral Springs City Commission and the City of Parkland City Commission, respectively, and shall serve as members of the Board until replaced. All of the members shall be residents of Broward County and all members shall be residents of Florida and shall be landowners within the District.~~

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

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

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

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

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

(f) The terms “qualifying elector” and “elector” shall mean any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a resident of the District who registers with the supervisor of elections of the county in which the District lands are located when the registration books are open.

Section 2. Referendum election.—

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

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

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

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

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

(.....) YES.

(.....) NO.

(4) In the event this question is answered affirmatively by a majority of the qualified voters voting in the referendum, the charter amendment will take effect. The referendum election shall be conducted by the Supervisor of Elections of Broward County in accordance with the Florida Election Code.

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.