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 HB 759

2010 Legislature

1                                   A bill to be entitled  
 2           An act relating to the Northern Palm Beach County  
 3           Improvement District, Palm Beach County; amending chapter  
 4           2000-467, Laws of Florida, as amended; revising procedures  
 5           for the election of members of the district's board of  
 6           supervisors; updating obsolete language; revising  
 7           application of the definition of "electors"; revising  
 8           board member qualification and residency requirements;  
 9           excluding certain lands from those lands for which a  
 10          landowner is entitled to a vote at a meeting of  
 11          landowners; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Sections 4 and 6 of section 3 of chapter 2000-  
 16           467, Laws of Florida, as amended by chapters 2005-302 and 2006-  
 17           330, Laws of Florida, are amended to read:

18           Section 4. Board of Supervisors; election, organization,  
 19           powers, duties, and terms of office.-

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

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

27           (C) The first Board of Supervisors of the District shall  
 28           be composed of five persons, two of whom shall hold office for 4

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29 | years from June 1, 1959, two of whom shall hold office for 3  
30 | years from June 1, 1959, and one of whom shall hold office for 2  
31 | years from June 1, 1959. Within 30 days after this Act becomes a  
32 | law, the Clerk of the Circuit Court of Palm Beach County shall  
33 | call a special meeting of landowners of Northern Palm Beach  
34 | County Improvement District for the purpose of electing the  
35 | first Board of Supervisors for Northern Palm Beach County  
36 | Improvement District as herein provided. Notice of such special  
37 | meeting of landowners shall be given by the Clerk of the Circuit  
38 | Court of Palm Beach County by causing publication thereof to be  
39 | made once a week for 2 consecutive weeks prior to such meeting  
40 | in some newspaper published in Palm Beach County. Such special  
41 | meeting of landowners shall be held in some public place in Palm  
42 | Beach County, and the place, date, and hour of holding such  
43 | meeting and the purpose thereof shall be stated in the notice.  
44 | The landowners when assembled shall organize by electing a Chair  
45 | who shall preside at the meeting and a Secretary thereof. At  
46 | such meeting, each and every acre, or any fraction thereof, of  
47 | land in the District shall represent one share and each owner  
48 | shall be entitled to one vote by person or by written proxy for  
49 | every acre of land, or any fraction thereof, owned by him or her  
50 | in the District. The landowners shall first vote for the  
51 | Supervisors who are to hold office for the term of 4 years as  
52 | herein provided, and the persons receiving the highest number of  
53 | votes for such Supervisors shall be declared and elected as such  
54 | Supervisors. Said landowners ~~land owners~~ shall next vote for the  
55 | Supervisors who are to hold office for the term of 3 years as  
56 | provided herein, and the persons receiving the highest number of

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57 | votes for such Supervisors shall be declared and elected as such  
58 | Supervisors. Said landowners shall next vote for the Supervisor  
59 | who is to hold office for the term of 2 years as herein  
60 | provided, and the person receiving the highest number of votes  
61 | for such Supervisor shall be declared and elected as such  
62 | Supervisor.

63 |         (D) In 2005 ~~Upon the effective date of this act,~~ the  
64 | following procedures were made applicable ~~shall apply~~ to the  
65 | election of members, including appointees, to the Board of  
66 | Supervisors of the District:

67 |         (1) The terms of two board members that expired ~~which~~  
68 | ~~expire~~ in 2005 were ~~shall be~~ extended until the date of the  
69 | general election in 2006. The seats were ~~shall be~~ numbered seats  
70 | 1 and 2, respectively. Seat 1 has ~~shall be filled for~~ a term of  
71 | 4 years and is filled pursuant to section 6(A) of this Act. Seat  
72 | 2 was ~~shall be~~ converted to a nonpartisan elected position ~~board~~  
73 | ~~member~~ as defined in ~~by~~ chapter 97 105, Florida Statutes.  
74 | Candidates for seat 2 ~~this position~~ shall qualify with the Palm  
75 | Beach County Supervisor of Elections pursuant to chapter 105,  
76 | Florida Statutes, and are ~~shall be~~ elected for a term of 4 years  
77 | by a plurality of the ~~District~~ electors within the District's  
78 | jurisdictional boundary who vote ~~voting~~ in said election. As  
79 | used in this Act, "electors" means ~~shall mean~~ registered voters  
80 | as defined in ~~by~~ section 97.041, Florida Statutes. The board  
81 | members elected to seats 1 and 2 shall each take office within  
82 | 10 days after ~~of~~ election, and each shall serve until expiration  
83 | of his or her ~~their~~ term, until his or her resignation or  
84 | removal, or until the election of a new board member for that

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85 position.

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

95 (3) The terms of the two board members that were to expire  
96 in 2007 were ~~shall be~~ extended until the date of the general  
97 election in 2008. The seats were ~~shall be~~ numbered seats 4 and  
98 5, respectively. Seat 4 was ~~shall be filled~~ for a term of 4  
99 years as prescribed by section 6(A) of this Act. Seat 5 was  
100 ~~shall be~~ converted to a nonpartisan elected position ~~board~~  
101 ~~member~~ as defined in ~~by~~ chapter 97 ~~105~~, Florida Statutes.  
102 Candidates for seat 5 ~~this position~~ shall qualify with the Palm  
103 Beach County Supervisor of Elections pursuant to chapter 105,  
104 Florida Statutes, and are ~~shall be~~ elected for a term of 4 years  
105 by a plurality of the ~~District~~ electors within the District's  
106 jurisdictional boundary who vote ~~voting~~ in said election.  
107 ~~"Electors" shall mean registered voters as defined by section~~  
108 ~~97.041, Florida Statutes.~~ The board members elected to seats 4  
109 and 5 shall each take office within 10 days after ~~of~~ election,  
110 and each shall serve until expiration of his or her ~~their~~ term,  
111 until his or her resignation or ~~removal~~, or until the election  
112 of a new board member for that position.

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

115 ~~(1)~~ the two members of the board elected to seats 2 and 5  
116 by electors within the District's jurisdictional boundary must  
117 ~~shall~~ be residents of the District and electors of the District  
118 ~~as defined by section 3(D)(1) of this act.~~

119 (F) Starting with the general election in 2006 and until  
120 the day immediately preceding commencement of the qualifying  
121 period for the general election in 2012, the ~~one~~ board member  
122 elected to seat 5 must ~~shall~~ be a resident whose residence is  
123 located north of PGA Boulevard, and ~~the one~~ board member elected  
124 to seat 2 must ~~shall~~ be a resident whose residence is located  
125 south of PGA Boulevard. For candidates who reside within the  
126 District and west of the current terminus of PGA Boulevard at  
127 the Beeline Highway or east of the terminus of PGA Boulevard at  
128 U.S. Highway 1, residency location shall be determined by  
129 extending the center line of PGA Boulevard at the applicable  
130 point of terminus due west to Lake Okeechobee and due east to  
131 the Atlantic Ocean. The residency qualification provisions in  
132 this subsection shall expire upon commencement of the qualifying  
133 period for the general election in 2012.

134 (G) Beginning with the landowner election in 2010, any  
135 member of the board elected pursuant to section 6(A) of this Act  
136 must be a resident of the State of Florida and either be a  
137 resident of Palm Beach County or own, or have a beneficial  
138 interest in an entity that owns, real property within the  
139 District. Any member who fails to maintain such residency or  
140 ownership requirements shall notify the district within 10 days

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141 after such loss of residency or ownership interest. Failure to  
142 cure the qualification deficiency within 30 days after the  
143 deadline for provision of such notice shall create an automatic  
144 vacancy for that member's seat.

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

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

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

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

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

160 (5) Candidates seeking election to seats 4 and 5 in 2012  
161 and seats 2 and 3 in 2014 shall qualify with the Palm Beach  
162 County Supervisor of Elections pursuant to chapter 105, Florida  
163 Statutes, and shall be elected for a term of 4 years by a  
164 plurality of the electors within the jurisdictional boundary of  
165 the District who vote in their respective general elections.

166 (6) Each nonpartisan elected board member shall take  
167 office within 10 days after election and shall serve until  
168 expiration of his or her term, until his or her resignation or

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169 removal, or until the election of a new board member for that  
170 position.

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

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

181 (K) For purposes of this Act, residency shall be  
182 determined by the location at which the candidate or member then  
183 permanently resides and presently intends to continue to  
184 permanently reside. In the event any board member who is elected  
185 by the electors fails to maintain residency within the District,  
186 the member shall notify the District within 10 days of his or  
187 her loss of residency. Failure to reestablish residency within  
188 30 days of its loss will create an automatic vacancy for that  
189 Board of Supervisors position.

190 ~~(2) The three members of the board elected pursuant to~~  
191 ~~section 6(A) of this act shall be residents of the State of~~  
192 ~~Florida. The board member who is elected to seat 3 shall be a~~  
193 ~~resident of the District or own property within the District.~~  
194 ~~Failure to maintain residency or land ownership requirements as~~  
195 ~~stated herein requires notification of the District within 10~~  
196 ~~days of loss of residency or land ownership. Failure to cure the~~

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197 ~~qualification deficiency within 30 days of notice will create an~~  
198 ~~automatic vacancy.~~

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

202 (L) ~~(F)~~ In the event of any vacancy on the board, an a  
203 qualified individual who satisfies that seat's then applicable  
204 qualifying and residency requirements shall be selected and  
205 appointed by a simple majority vote of the remaining members of  
206 the board. The appointee shall serve until the next general  
207 election if the seat is filled by electors or until the next  
208 annual landowners' meeting if the seat is filled pursuant to  
209 section 6(A) of this Act, at which time. ~~At that election,~~ the  
210 position shall ~~either~~ be open for election for either a full  
211 term or the remainder of the vacated seat's term ~~seat~~, whichever  
212 is appropriate.

213 (M) ~~(G)~~ As soon as practicable after each ~~their~~ election,  
214 the Board of Supervisors of the District shall organize by  
215 choosing one of their number President of the Board of  
216 Supervisors and by electing some suitable person Secretary, who  
217 may or may not be a member of said Board. The Secretary shall be  
218 required to execute bond for the faithful performance of his or  
219 her duties in such penal amount as the board may ~~my~~ determine.  
220 The Board of Supervisors shall adopt a seal which shall be the  
221 seal of the District. At each annual meeting of the landowners  
222 of the District, the Board of Supervisors shall report all work  
223 undertaken or completed during the preceding year, and the  
224 status of the finances of the District.



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225        (N) ~~(H)~~ All Supervisors shall hold office until their  
 226 successors shall be elected and qualified. Whenever any election  
 227 shall be authorized or required by this Act to be held ~~by the~~  
 228 ~~landowners~~ at any particular or stated time or day, and if for  
 229 any reason such election shall not or cannot be held at such  
 230 time or on such day, then in such event and in all and every  
 231 such event, the power or duty to hold such election shall not  
 232 cease or lapse, but such election shall be held thereafter as  
 233 soon as practicable and consistent with this Act.

234        Section 6. Meetings of landowners; elections.—

235        (A) Commencing in ~~Each year during the month of November,~~  
 236 ~~beginning with the month of November 2006,~~ a meeting of the  
 237 landowners of the District shall be held annually in November  
 238 for the purpose of ~~electing Supervisors and~~ hearing reports of  
 239 the Board of Supervisors and, when applicable, the holding of a  
 240 ~~provided, however, that a meeting of the landowners shall be~~  
 241 ~~held during the month of November 2005, for the purpose of~~  
 242 ~~receiving reports of the Board of Supervisors and considering~~  
 243 ~~any matters upon which the Board of Supervisors~~ election ~~may~~  
 244 ~~request the advice and views of the landowners.~~ The Board of  
 245 Supervisors shall have the power to call special meetings of the  
 246 landowners at any time to receive reports of the Board of  
 247 Supervisors or consider and act upon any matter upon which the  
 248 Board of Supervisors may request advice. Notice of all meetings  
 249 of the landowners shall be given by the Board of Supervisors by  
 250 causing publication thereof to be made for 2 consecutive weeks  
 251 prior to such meeting in some newspaper published in Palm Beach  
 252 County. The meetings of the landowners shall be held in some

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253 public place in said County, and the place, day, and hour of  
 254 holding such meetings shall be stated in the notice. The  
 255 landowners when assembled shall organize by electing a Chair who  
 256 shall preside at the meeting. The Secretary of the Board of  
 257 Supervisors shall be the Secretary of such meeting. At all such  
 258 meetings each and every acre, or any fraction thereof, of land  
 259 in the District, ~~except publicly owned property against which~~  
 260 ~~the District does not levy assessments,~~ shall represent one  
 261 share, and each owner shall be entitled to one vote in person or  
 262 by written proxy for every acre, or any fraction thereof, of  
 263 land owned by him or her in the District, except for:

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

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

269  
 270 The person receiving the highest number of votes for Supervisor  
 271 shall be declared and elected as such Supervisor. Those  
 272 landowners present or voting by proxy shall constitute a quorum  
 273 at any meeting of the landowners.

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

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

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281 | a candidate for the office of Supervisor shall file a written  
282 | notice of intention to be a candidate in the office of the  
283 | District at least 30 days before the annual meeting of the  
284 | landowners.

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