

By Senators Grant, Crist, Lee and Hargrett

13-456A-98

1 A bill to be entitled
2 An act relating to the Carrollwood Recreation
3 District, Hillsborough County; consolidating,
4 compiling, and codifying extant laws pertaining
5 to the district; providing legislative intent;
6 deleting provisions that have expired, have had
7 their effect, have served their purpose, or
8 have been impliedly repealed or superseded;
9 replacing incorrect cross-references and
10 citations; correcting grammatical,
11 typographical, and like errors; removing
12 inconsistencies, redundancies, and unnecessary
13 repetition; improving clarity and facilitating
14 correct interpretation; providing notice that
15 the district is an independent special district
16 approved by referendum; adding definitions;
17 providing for election of trustees; revising
18 ballot language requirements; providing that
19 the district elect one secretary; providing
20 that the board is a public body and shall
21 conduct its business accordingly; conforming
22 the law to s. 768.28, F.S., relating to
23 trustees' civil liability and immunity from
24 suit; consolidating the powers and duties of
25 the board into a single section; conforming the
26 law to the actual business practices of the
27 district, routine in nature but not previously
28 enumerated, including the power and duty to
29 perform duties required by general law, when
30 applicable, relating to special districts and
31 to the levy of non-ad valorem assessments, to

1 operate, supervise, and maintain recreational
2 facilities or to contract for same, to insure
3 the facilities, properties, operation, and
4 trustees of the district, to establish, charge,
5 and collect fees for use of the facilities, to
6 direct the supervisor to place certain
7 referenda on the ballot, and to employ
8 personnel, including security guards and
9 certified law enforcement officers; conforming
10 the law to the requirements of ch. 197, F.S.,
11 relating to non-ad valorem assessments;
12 providing for dissolution of the district in
13 accordance with general law; providing a
14 savings clause; repealing chs. 72-565, 75-385,
15 81-394, 84-445, Laws of Florida, relating to
16 the district; providing an effective date.

17

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

19

20 Section 1. It is the intent of the Legislature that
21 this act supersede chapter 72-565, Laws of Florida, and
22 amendments thereto, which provide for the Carrollwood
23 Recreation District and that it is deemed a codification of
24 previously existing legislation relating to the Carrollwood
25 Recreation District. This codification also is to act as a
26 reviser's bill, deleting provisions that have expired, have
27 had their effect, have served their purpose, or have been
28 impliedly repealed or superseded; replacing incorrect
29 cross-references and citations; correcting grammatical,
30 typographical, and like errors; removing inconsistencies,
31 redundancies, and unnecessary repetition; and improving

1 clarity and facilitating correct interpretation. It is also
 2 the intent of the Legislature to conform the special act to
 3 the extent possible with the requirements of chapter 189,
 4 Florida Statutes, relating to special districts; chapter 197,
 5 Florida Statutes, relating to non-ad valorem assessments; and
 6 subsection (3) of section 768.1355, Florida Statutes, relating
 7 to civil liability, and to reflect the actual business
 8 practices of the district in instances when those practices
 9 have not previously been enumerated as a power or duty of the
 10 district.

11 Section 2. (1) The area described in section 3 is an
 12 independent special district approved by referendum on
 13 December 5, 1972; is to be called the Carrollwood Recreation
 14 District; and has the powers and duties set forth in this act.

15 (2) Each improved residential parcel is uniformly
 16 benefited by the provisions of this act and shall be assessed
 17 equally a recreation district tax provided for in this act.

18 (3) Use of the facilities and property of the district
 19 is limited to residents and nonresident property owners within
 20 the district and their family members and guests and such
 21 other persons and groups as the board authorizes.

22 Section 3. (1) Included in the district are:

23 (a) Carrollwood Subdivision, Hillsborough County,
 24 Florida:

<u>UNIT NO.</u>	<u>PLAT BOOK</u>	<u>PAGE NO.</u>
27 <u>1</u>	<u>35</u>	<u>40</u>
28 <u>2</u>	<u>35</u>	<u>54</u>
29 <u>3</u>	<u>35</u>	<u>76</u>
30 <u>4</u>	<u>37</u>	<u>2</u>
31 <u>5</u>	<u>37</u>	<u>62</u>

1	<u>6</u>	<u>37</u>	<u>41</u>
2	<u>7</u>	<u>38</u>	<u>27</u>
3	<u>8</u>	<u>38</u>	<u>62</u>
4	<u>9</u>	<u>38</u>	<u>63</u>
5	<u>10</u>	<u>38</u>	<u>81</u>
6	<u>11</u>	<u>39</u>	<u>31</u>
7	<u>12</u>	<u>39</u>	<u>4</u>
8	<u>13</u>	<u>39</u>	<u>42</u>
9	<u>14</u>	<u>39</u>	<u>86</u>
10	<u>15</u>	<u>40</u>	<u>1</u>
11	<u>16</u>	<u>39</u>	<u>97</u>
12	<u>17</u>	<u>40</u>	<u>53</u>
13	<u>18</u>	<u>40</u>	<u>50</u>
14	<u>19</u>	<u>41</u>	<u>36</u>
15	<u>20</u>	<u>41</u>	<u>8</u>
16	<u>21</u>	<u>42</u>	<u>39</u>
17	<u>22-A</u>	<u>43</u>	<u>73</u>
18	<u>22-B</u>	<u>43</u>	<u>72</u>
19	<u>23</u>	<u>42</u>	<u>85</u>
20	<u>24</u>	<u>43</u>	<u>9</u>
21	<u>25</u>	<u>43</u>	<u>29</u>
22	<u>26</u>	<u>43</u>	<u>37</u>
23	<u>27</u>	<u>43</u>	<u>81</u>
24	<u>28</u>	<u>Unplatted</u>	

25

26 (b) Tract in the West 1/2 of the Northeast 1/4 of the
27 Southeast 1/4 of Section 16, Township 28 south, Range 18 East,
28 Hillsborough County, Florida, which is a tract of 5.117 acres
29 containing the Carrollbrook Condominium Townhouses.
30 (Unplatted)

31

1 (c) Tract South 1025 feet of West 1/2 of Southeast 1/4
2 of Northeast 1/4 of Section 16, Township 28 South, Range 18
3 East, Hillsborough County, Florida, lying East of Dale Mabry
4 Highway. (Unplatted)

5 (2) Any property deeded to or purchased by or leased
6 as lessor or lessee by the board and any improvement to the
7 land at the time of lease or purchase or made thereafter
8 hereafter made are included in the district.

9 Section 4. As used in this act, the term:

10 (1) "Board" means the governing body of the district.

11 (2) "County" means Hillsborough County, Florida.

12 (3) "District" means the Carrollwood Recreation
13 District.

14 (4) "Improved residential parcel" means a platted lot
15 or lots on which a single-family home has been erected and
16 those units of Carrollbrook Condominium Townhouses described
17 in section 3.

18 (5) "Levy" means the imposition of a non-ad valorem
19 assessment, stated in terms of rates, against all improved
20 residential parcels authorized by this act.

21 (6) "Non-ad valorem assessment" means an assessment
22 that is not based upon millage and that may become a lien
23 against a homestead as permitted in section 4, Article X of
24 the State Constitution.

25 (7) "Non-ad valorem assessment roll" means the roll
26 prepared by the district and certified to the tax collector
27 for collection.

28 (8) "Recreation district tax" means a non-ad valorem
29 assessment against each improved residential parcel of the
30 district to be expended as provided by this act.

31

1 (9) "Resolution" means a formal, written expression,
2 such as a copy of the minutes, of an action adopted by vote of
3 the trustees.

4 (10) "Supervisor" means the supervisor of elections of
5 the county.

6 (11) "Trustee" means a member of the governing body of
7 the district.

8 Section 5. The business of the district shall be
9 conducted by a board of nine trustees, each of whom shall
10 serve for a term of 2 years and may be subsequently reelected.

11 (1) To serve on the board as a trustee, a person must
12 be a qualified elector residing within the district. To
13 qualify to have his or her name placed on the ballot, a person
14 shall present a written petition to the supervisor in
15 even-numbered years during the time period specified by
16 section 99.061, Florida Statutes, and in odd-numbered years at
17 any time after noon of the 50th day prior to the election but
18 not later than noon of the 46th day prior to the election. A
19 petition must be signed by not fewer than 15 qualified
20 electors of the district. Any candidate who collects and
21 expends campaign contributions shall do so in accordance with
22 chapter 106, Florida Statutes. A candidate is exempt from the
23 provisions of chapter 106, Florida Statutes, which requires
24 the establishment of a bank account, appointing a campaign
25 treasurer, and filing periodic reports if, at the time of
26 qualifying, that candidate declares in writing to the
27 supervisor that he or she will not collect or expend any
28 campaign contributions except for the expenditure of funds for
29 the cost of verification of signatures on petitions.

30 (2) The board shall provide each residence in the
31 district written notification of the names of the candidates

1 for trustees not less than 15 days before the date of the
2 election for which the candidates have qualified. The board
3 shall also publish notice of the names of the candidates one
4 time at least 10 days before the election in a newspaper of
5 general circulation in the county.

6 (3)(a) Elections shall be held annually at designated
7 polling places within the district. In even-numbered years,
8 the election shall be held at the same time as the statewide
9 first primary election as designated in section 100.061,
10 Florida Statutes. In odd-numbered years, the election shall be
11 held on the first Tuesday that falls on the 6th day or later
12 in September, except that if a special election for any
13 purpose is called for a date in September, the election may be
14 held at the same time and in conjunction with the special
15 election. At each election, either four or five trustees, as
16 the case may be, shall be elected for a term of 2 years. The
17 candidates receiving the highest number of votes cast shall be
18 declared elected to fill the number of vacancies to be filled
19 on the board and shall receive a certificate of election from
20 the supervisor. Elections shall be between the hours of 7 a.m.
21 and 7 p.m., or at such other times as are provided for the
22 statewide first primary election in even-numbered years or a
23 corresponding special election in September of odd-numbered
24 years, and shall be conducted by the supervisor. All matters
25 relating to conducting elections not provided for in this act
26 shall be governed by the state election code.

27 (b) All qualified electors residing within the
28 district are eligible to vote in district elections, providing
29 such electors have registered to vote before the closing of
30 the registration records for such election. All election
31

1 ballots shall be prepared by the supervisor, and the ballot
2 language shall be substantially in the following form:

3 Board of Trustees of Carrollwood Recreation District
4 (stating their names).

5 (c) The supervisor shall canvass the returns of the
6 election and announce the results upon completion. In case two
7 persons receive an equal and highest number of votes for the
8 last position to be filled, under the supervision of the
9 supervisor, such persons shall draw lots to determine who
10 shall be elected to the office.

11 (4) The cost of conducting trustee elections and any
12 referendum as further provided in this act, including
13 compensation for any additional persons employed by the
14 supervisor in excess of those costs already required by any
15 other election being held on the same date, shall be fixed by
16 the supervisor with the approval of the board of trustees and
17 shall be paid by the board on behalf of the district.

18 Section 6. The business of the district shall be
19 conducted in the following manner:

20 (1) Each trustee shall take office October 1
21 immediately following election and shall serve until his
22 successor is elected and qualified or appointed as provided by
23 this act.

24 (2) The fiscal year of the district shall begin
25 October 1, and, as soon thereafter as practicable, the board
26 shall elect from its membership a president, a vice president,
27 a secretary, and a treasurer. Six trustees constitute a
28 quorum, and the board may not conduct official business
29 without a quorum present. A vote of a majority of the quorum
30 is required to pass any motion or resolution before the board.
31 A record shall be kept of each meeting of the board. The board

1 shall conduct its business as a public body and is subject to
2 all laws of the state relating to open government, financial
3 disclosure, avoidance of conflicts of interest, and ethics.

4 (3) A trustee is not entitled to compensation for
5 services rendered on behalf of the district, but is entitled
6 to be reimbursed from funds of the district for any authorized
7 disbursements properly incurred in behalf of the district. The
8 president and either the vice president or treasurer are
9 authorized to execute checks and documents on behalf of the
10 district. Any trustee authorized to sign checks of the
11 district or otherwise designated to handle its funds shall,
12 before entering upon such duties, execute to the Governor of
13 the state for the benefit of the district a good and
14 sufficient bond approved by a circuit judge of Hillsborough
15 County in the sum of \$5,000 with a qualified corporate surety,
16 conditioned to faithfully perform the duties of a trustee and
17 to account for any district funds to which he or she may have
18 access.

19 (4) In accordance with subsection (3) of section
20 768.1355, Florida Statutes, members of the governing board of
21 the district shall incur no civil liability and shall have
22 immunity from suit as provided in section 768.28, Florida
23 Statutes, for acts or omissions relating to conduct of the
24 official duties of the board.

25 Section 7. The board has the power and duty to:

26 (1) Levy a non-ad valorem assessment, known as a
27 "recreation district tax," against each improved residential
28 parcel within the district for the purpose of funding the
29 needs of the district as provided in this act.

30 (2) Perform other duties, when applicable, required by
31 chapter 189, Florida Statutes, relating to special districts

1 and for the levy, collection, and enforcement of the non-ad
2 valorem assessment pursuant to chapter 197, Florida Statutes,
3 and this act.

4 (3) Designate a depository to which recreation
5 district tax revenues collected are to be deposited by the tax
6 collector.

7 (4) Purchase and lease as lessor or lessee real and
8 personal property on behalf of the district and pay for such
9 purchases either with cash or by the issuance of bonds or
10 revenue certificates.

11 (5) Sell the real and personal property of the
12 district.

13 (6) Construct and improve real and personal property
14 of the district.

15 (7) Operate, supervise, and maintain recreational
16 facilities or enter into arrangements with others for such
17 operation and maintenance pursuant to contract or lease or
18 otherwise.

19 (8) Adequately insure the facilities, properties, and
20 operations of the district as well as the trustees of the
21 district, jointly and severally, in the performance of their
22 duties if the board finds such insurance to be necessary.

23 (9) Establish, charge, and collect reasonable fees for
24 admission to or use of recreational facilities, provided the
25 use of the facilities is extended to residents and nonresident
26 owners within the district and their family members and guests
27 and such other persons and groups as the board authorizes, and
28 apply such fees to the operation, maintenance, improvement, or
29 acquisition of recreational facilities and to the payment of
30 bonds, notes, or revenue certificates of the district.

31

1 (10)(a) Incur debt and other obligations on behalf of
2 the district, including issuing bonds, refunding bonds, or
3 other obligations issued for such purposes or notes and other
4 evidence of indebtedness of the district for the purpose of
5 obtaining funds for the operation of the district, including
6 the purchase of lands, buildings, and other improvements;
7 however, the aggregate amount of all obligations of the
8 district payable in any fiscal year may not exceed the
9 aggregate amount of all revenue received by the district from
10 all sources during such fiscal year. Such obligations may be
11 authorized by resolution and may contain such terms,
12 covenants, and conditions and may be in such form, either
13 coupon or registered, as such resolution or subsequent
14 resolution may provide. Bonds may be issued to finance, in
15 whole or in part, the cost of construction, acquisition, or
16 improvement of real and personal property of the district. The
17 trustees, in determining such costs, may include all costs and
18 estimated costs of the issuance of the bonds; all engineering,
19 inspection, fiscal, and legal expenses; all costs of
20 preliminary surveys, plans, maps, and specifications; initial
21 reserve funds for debt service; the costs of the services of
22 persons, firms, corporations, partnerships, or associations
23 employed; or consultants, advisors, or engineers or fiscal,
24 financial, or other experts in the planning, preparation, and
25 financing of the district, or any asset thereof, upon such
26 terms and conditions as the trustees find appropriate. The
27 bonds may be sold all at one time or in blocks from time to
28 time, at public or private sale, or, if refunding bonds, may
29 also be delivered and exchanged for the outstanding
30 obligations to be refunded thereby in such manner as
31 determined by the trustees by resolution. Pending the

1 preparation of the definitive bonds, interim certificates or
2 receipts, or temporary bonds in such form and with such
3 provisions as the trustees determine may be issued to the
4 purchaser or purchasers of the bonds sold pursuant to this
5 act. The bonds, and such interim certificates or receipts or
6 temporary bonds, shall be fully negotiable.

7 (b) Secure bonds, notes, or other certificates of
8 indebtedness and interest thereon by pledging to the punctual
9 payment of such obligations recreation district tax revenues,
10 by mortgaging property owned by the district, and by pledging
11 an amount of the revenue derived from fees charged for the use
12 of the facilities and services of the district.

13 (c) Deliver purchase-money notes and mortgages.

14 (d) Create and maintain reasonable reserves for the
15 repayment of such obligations.

16 (11) Prepare a financial statement of revenue and
17 expenditures during the prior fiscal year and a balance sheet
18 as of the close of the fiscal year annually by November 30.

19 (12)(a) Prepare and adopt by July 1 annually an
20 itemized budget, including projected revenues and expenditures
21 for the next fiscal year, which reflects the district tax to
22 be assessed and collected upon the taxable property of the
23 district for the next year.

24 (b) Hold a public hearing at which time property
25 owners within the district may appear and be heard before the
26 adoption of the budget and provide notice of the time and
27 place of the public hearing once in a newspaper of general
28 circulation within the county not less than 21 days before the
29 public hearing.

30 (c) Fix by August 1 annually the tax to be assessed
31 annually.

1 (d) Transfer funds between line items of the budget,
2 after its adoption, a maximum of 20 percent to meet unforeseen
3 contingencies.

4 (13) Direct the supervisor by resolution of the board
5 to place on the ballot a referendum to increase the maximum
6 annual assessment to an amount greater than \$300, the amount
7 approved by referendum and in effect at the time this act
8 becomes a law.

9 (14) Direct the supervisor by resolution of the board
10 to place on the ballot a referendum during any regularly
11 scheduled election or at the time of any special election
12 being conducted for other purposes within the district for any
13 purpose necessary to conducting the business of the district.

14 (15) Enter into contracts.

15 (16) Sue and be sued except as otherwise provided in
16 this act.

17 (17) Fill for the unexpired term from among the
18 qualified electors of the district any vacancy that may occur
19 on the board by vote of the remaining trustees.

20 (18) Remove for cause any trustee who fails to
21 discharge the duties of the position after due notice and an
22 opportunity to be heard upon charges of malfeasance or
23 misfeasance.

24 (19) Receive gifts of real and personal property.

25 (20) Install and maintain parkways and lighting.

26 (21) Employ personnel, including private security
27 guards or off-duty certified law enforcement officers,
28 necessary for the operation and maintenance of the facilities
29 of the district.

30
31

1 (22) Pay from district funds the premium for a surety
2 bond for specified trustees and any expense incurred on behalf
3 of the district by a trustee as provided by this act.

4 (23) Adopt rules:

5 (a) For the use of real and personal property owned or
6 leased as lessor or lessee by the district.

7 (b) To transact the business of the district and to
8 carry out the provisions of this act.

9 Section 8. The tax collector shall include on the
10 combined notice for ad valorem and non-ad valorem assessments
11 as provided by section 197.3635, Florida Statutes, the non-ad
12 valorem assessment established by the board, and the
13 assessment shall be collected in the manner and form provided
14 for collection of non-ad valorem assessments by chapter 197,
15 Florida Statutes, subject to the conditions of section
16 197.3632, Florida Statutes. After deducting the fees provided
17 for in section 197.3632, Florida Statutes, the tax collector
18 shall deposit the remaining funds into the depository
19 designated by the board.

20 Section 9. The non-ad valorem assessment is a valid
21 lien upon each improved residential parcel of land until it
22 has been paid or is barred by chapter 95, Florida Statutes,
23 and is considered a part of the non-ad valorem assessment for
24 Hillsborough County subject to the same penalties, charges,
25 fees, and remedies for enforcement and collection as provided
26 by chapter 197, Florida Statutes, for the collection of such
27 non-ad valorem assessments.

28 Section 10. The depository designated pursuant to
29 subsection (3) of section 7 shall treat the funds in
30 accordance with the legal requirements for any public funds
31 which may be imposed upon any such depository.

1 Section 11. The district may be dissolved in
2 accordance with the provisions of section 189.4042, Florida
3 Statutes.

4 Section 12. If any clause, section, or provision of
5 this act is declared to be unconstitutional or invalid for any
6 cause or reason, it shall be eliminated from this act, and the
7 remaining portion of the act shall be in force and effect and
8 be as valid as if such invalid portion thereof had not been
9 incorporated therein.

10 Section 13. The provisions of this act shall be
11 liberally construed in order to effectively carry out the
12 purpose of this act in the interest of the public.

13 Section 14. Chapters 72-565, 75-385, 81-394, and
14 84-445, Laws of Florida, are repealed; however, the repeal
15 does not affect the prosecution of any cause of action that
16 accrued before the effective date of the repeal and does not
17 affect rules, actions, decisions, contracts, agreements,
18 obligations, and properties of the district existing before
19 the effective date of the repeal.

20 Section 15. This act shall take effect upon becoming a
21 law.