

By Representatives Henriquez, Hart, Byrd, Bradley, Crist,
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1 A bill to be entitled
2 An act relating to the Twelve Oaks Special
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8 have been impliedly repealed or superseded;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 in
18 non-partisan, biennial elections in
19 even-numbered years; providing for the payment
20 of a qualifying fee; providing for certain
21 exemptions to chapter 106, F.S., relating to
22 campaign financing; providing a transition
23 schedule; revising ballot language
24 requirements; providing the date trustees take
25 office; providing for the appointment of
26 trustees under certain circumstances; providing
27 that the board is a public body and shall
28 conduct its business accordingly; providing an
29 exception for the disbursement of certain
30 funds; conforming the law to s. 768.28, F.S.,
31 relating to trustees' civil liability and

1 immunity from suit; enumerating the powers and
2 duties of the district in a single section;
3 clarifying and conforming the law to the actual
4 business practices of the district, routine in
5 nature but not previously enumerated, including
6 to insure the facilities, properties,
7 operations, and trustees of the district, to
8 adopt bylaws, to enter into agreements, to
9 operate, supervise, and maintain recreational
10 facilities or enter into arrangements with
11 others for same, to establish, charge, and
12 collect fees for use of the facilities, to
13 employ personnel, to transfer funds among line
14 items, to provide for the creation of a petty
15 cash fund and to make expenditures from same,
16 to create and maintain reserves for certain
17 known or planned expenditures, to invest
18 surplus and reserve funds by resolution in
19 certain accounts, and to adopt bylaws relating
20 to calling special and other meetings; adding
21 new powers, including the power to direct the
22 supervisor to place certain referenda on the
23 ballot, and to perform, when not excepted by
24 this act and when otherwise applicable, duties
25 required by general law relating to special
26 districts and to the levy of non-ad valorem
27 assessments; conforming the law to the
28 requirements of ch. 197, F.S.; providing for
29 the dissolution of the district in accordance
30 with general law; providing a savings clause;
31 repealing chapters 82-305 and 84-438, Laws of

1 Florida, relating to the district; providing an
2 effective date.

3

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

5

6 Section 1. It is the intent of the Legislature that
7 this act supersede chapter 82-305, Laws of Florida, and
8 amendments thereto, which provide for the Twelve Oaks Special
9 District and that it is deemed a codification of previously
10 existing legislation relating to the Twelve Oaks Special
11 District. Said codification also is to act as a reviser's
12 bill, deleting provisions that have expired, have had their
13 effect, have served their purpose, or have been impliedly
14 repealed or superseded; replacing incorrect cross-references
15 and citations; correcting grammatical, typographical, and like
16 errors; removing inconsistencies, redundancies, and
17 unnecessary repetition; and improving clarity and facilitating
18 correct interpretation. It is also the intent of the
19 Legislature to conform the special act to the extent possible
20 with the requirements of chapter 189, Florida Statutes,
21 relating to special districts; chapter 197, Florida Statutes,
22 relating to non-ad valorem assessments; and subsection (3) of
23 section 768.1355, Florida Statutes, relating to civil
24 liability, and to reflect the actual business practices of the
25 district in instances when those practices have not previously
26 been enumerated as a power or duty of the district.

27 Section 2. (1) The area described in section 3 is an
28 independent special district approved by referendum on
29 September 7, 1982, is to be called the Twelve Oaks Special
30 District and is located in Hillsborough County, Florida, and
31 has the powers and duties set forth in this act.

1 (2) Each improved residential parcel is declared to be
2 uniformly and generally benefited by the provisions of this
3 act and shall be assessed equally a non-ad valorem assessment
4 provided for in this act.

5 (3) Use of the facilities and property of the district
6 is limited to residents and nonresident property owners within
7 the district and their family members and guests and such
8 other persons and groups as the board authorizes.

9 Section 3. Included in the district are:

10 (1) Town' N Country Park, Section Nine (9)

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29
30 (2) Twelve Oaks Village
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(3) Any other real property acquired by the district, including any structure on such property at the time of acquisition or constructed subsequent thereto.

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

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

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

(3) "District" means the Twelve Oaks Special District.

(4) "Improved residential parcel" means a platted lot or lots on which a single-family home has been erected by January 1 of the taxable year.

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

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

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

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

(9) "Reserve funds" means those moneys held by the district for the repayment of any debt and other obligations created pursuant to subsections (15), (16), and (17) of

1 section 7 and for known or planned future expenditures which
2 have been adopted by resolution and which funds may be carried
3 forward from one fiscal year to the next.

4 (10) "Revenues of the district" means moneys acquired
5 through non-ad valorem assessment, fees derived from the use
6 of facilities, and interest income thereon.

7 (11) "Special district tax" means a non-ad valorem
8 assessment against each improved residential parcel of the
9 district to be expended as provided by this act.

10 (12) "Supervisor" means the supervisor of elections of
11 the county.

12 (13) "Surplus funds" means revenues of the district
13 less the reserve funds and which funds may be carried forward
14 from one fiscal year to the next.

15 (14) "Trustee" means a member of the governing body of
16 the district.

17 Section 5. The business of the district shall be
18 conducted by a board of nine trustees, elected in nonpartisan
19 elections, or appointed as provided by this act, each of whom
20 shall serve for a term of 2 years and may subsequently be
21 reelected.

22 (1) To serve on the board as a trustee, a person must
23 be a qualified elector residing within the district. To
24 qualify to have his or her name placed on the ballot, a person
25 shall submit the qualifying fee required in section
26 189.405(2)(c), Florida Statutes, or shall present a written
27 petition signed by not fewer than fifteen qualified electors
28 within the district to the supervisor during the time period
29 specified by section 99.061(2), Florida Statutes. Any
30 candidate who collects or expends campaign contributions shall
31 do so in accordance with chapter 106, Florida Statutes, but is

1 exempt from those requirements if, at the time of qualifying,
2 that candidate declares in writing to the supervisor that he
3 or she will not collect or expend any campaign contributions
4 except for the expenditure of funds for the payment of the
5 qualifying fee or the cost of verification of signatures on
6 petitions.

7 (2) The board shall provide each residence in the
8 district written notification of the names of the candidates
9 for trustees not less than 15 days before the date of the
10 election for which the candidates have qualified. The board
11 shall also publish notice of the names of the candidates one
12 time at least 10 days prior to the election in a newspaper of
13 general circulation in the county.

14 (3)(a) Beginning in November 2000, biennial elections
15 shall be conducted by the supervisor during the general
16 election specified in section 100.031, Florida Statutes, and
17 in accordance with the Florida Election Code, except as
18 otherwise provided in this act. It is further provided that,
19 in order to provide for an orderly transition to biennial
20 elections, each of the five trustees elected in 1997 or
21 subsequently appointed to fill any remaining term of any of
22 those five positions shall continue in office until elections
23 are held in the year 2000 and the term of office for all nine
24 trustees shall commence in January 2001 in accordance with
25 this act. The candidates receiving the highest number of votes
26 cast shall be declared elected to fill the number of vacancies
27 to be filled on the board and shall receive a certificate of
28 election from the supervisor.

29 (b) All qualified electors residing within the
30 district are eligible to vote in district elections providing
31 such electors have registered to vote prior to the closing of

1 the registration records for such election. All election
2 ballots shall be prepared by the supervisor, and the ballot
3 language shall be substantially in the following form:

4 Board of Trustees of Twelve Oaks Special District
5 (state their names)

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

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

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

21 (1) Each trustee shall take office in accordance with
22 section 100.041(4), Florida Statutes, and shall serve until
23 his or her successor is elected or appointed as provided by
24 this act.

25 (2) The fiscal year of the district shall begin
26 October 1. Six trustees constitute a quorum, and the board may
27 not conduct official business without a quorum present. A
28 majority of the members present is required for the passage of
29 any resolution coming under consideration by the board and for
30 taking a binding vote on any issue. If at any time the number
31 of trustees drops below six, the Governor shall immediately

1 appoint the number of trustees from among the qualified
2 electors of the district necessary to attain a quorum, and
3 each such appointee shall serve until his or her successor is
4 elected or appointed as provided by this act. The board shall
5 conduct its business as a public body and is subject to all
6 laws of the state relating to open government, financial
7 disclosure, avoidance of conflicts of interest, and ethics.

8 (3) A trustee is not entitled to compensation for
9 services rendered on behalf of the district, but is entitled
10 to be reimbursed from funds of the district for any authorized
11 disbursements properly incurred in behalf of the district. The
12 president, the vice president, and the treasurer are
13 authorized to execute checks and documents on behalf of the
14 district, and any disbursement of funds, except those expended
15 from the petty cash fund, must be by check or draft signed by
16 any two of the three officers so authorized. Any trustee
17 authorized to sign checks of the district or otherwise
18 designated to handle its funds shall, before entering upon
19 such duties, execute to the Governor of the state for the
20 benefit of the district a good and sufficient bond in the sum
21 of \$5,000 with a qualified corporate surety conditioned to
22 faithfully perform the duties of a trustee and to account for
23 any district funds to which he or she may have access.

24 (4) In accordance with section 768.1355(3), Florida
25 Statutes, members of the governing board of the district shall
26 incur no civil liability and shall have immunity from suit as
27 provided in section 768.28, Florida Statutes, for acts or
28 omissions relating to conduct of the official duties of the
29 board.

30 Section 7. The board has the power to:
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1 (1) Hold an organizational session annually to elect
2 from its membership a president, a vice president, a recording
3 secretary, a corresponding secretary, and a treasurer, each of
4 whom shall be elected for a 1-year term and may be
5 subsequently reelected, and to establish a regular monthly
6 meeting date, time, and place which shall be advertised in a
7 newspaper of general circulation in the county as soon
8 thereafter as practicable.

9 (2) Keep a record of each of its meetings and conduct
10 its business as a public body.

11 (3) Fill for the unexpired term from among the
12 qualified electors of the district any vacancy that may occur
13 on the board by vote of the remaining trustees, including any
14 which may remain after the Governor pursuant to subsection (2)
15 of section 6 or the trustees have made an appointment or
16 appointments as provided in paragraph (a).

17 (a) In December of each year in which a district
18 trustee election is held and in the event less than six
19 trustees have run for and been elected during that year's
20 election cycle appoint an additional trustee or trustees from
21 among the qualified electors of the district necessary to
22 attain a quorum when trustees take office in January, each of
23 whom shall serve for the same term as if elected.

24 (4) By resolution, designate a depository which is
25 qualified as a public depository pursuant to section 280.04,
26 Florida Statutes, and thereafter establish an account to which
27 the special district tax revenues collected are to be
28 deposited by the tax collector and from which expenditures and
29 transfers to and from reserve and surplus fund accounts may be
30 made.

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1 (5) By November 30 of each year, prepare an annual
2 financial statement of revenues and expenditures during the
3 prior fiscal year.

4 (6)(a) By July 1 of each year, prepare and adopt an
5 itemized budget, including projected revenues and expenditures
6 for the next fiscal year, which reflects the district tax to
7 be assessed and collected upon the taxable property of the
8 district for the next year.

9 (b) Hold a public hearing at which time property
10 owners and residents within the district may appear and be
11 heard before the adoption of the budget and publish notice of
12 the time and place of the public hearing one time in a
13 newspaper of general circulation within the county not less
14 than 21 days before the public hearing.

15 (c) Fix by August 1, annually, the special district
16 tax to be assessed annually.

17 (7) Pay from district funds the premium for a surety
18 bond for specified trustees and any expense incurred on behalf
19 of the district by a trustee as provided by this act.

20 (8) Pay from district funds any costs associated with
21 the holding of any election or referendum as provided by this
22 act.

23 (9) Adequately insure the facilities, properties, and
24 operations of the district as well as the trustees of the
25 district, jointly and severally, in the performance of their
26 duties if the board finds such insurance to be necessary.

27 (10) Transact the business of the district including
28 expending funds from the depository designated in subsection
29 (4) and any reserve and surplus fund accounts.

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1 (11) Adopt bylaws to carry out the provisions of the
2 act and reasonable regulations for the use of the facilities
3 of the district.

4 (12) Levy a non-ad valorem assessment, known as a
5 "special district tax," against each improved residential
6 parcel within the district for the purpose of funding the
7 needs of the district as provided in this act.

8 (13) Receive gifts of real or personal property.

9 (14) Enter into contracts and agreements, including
10 for such professional services as legal, accounting, law
11 enforcement, and security services.

12 (15) Incur debt and other obligations on behalf of the
13 district, including issuing bonds, refunding bonds, notes, and
14 other evidence of indebtedness of the district for the purpose
15 of obtaining funds for the operation of the district,
16 including the purchase of land, buildings, and other
17 improvements; however, the aggregate amount of all obligations
18 of the district payable in any fiscal year shall not exceed
19 the aggregate amount of all revenue received by the district
20 from all sources during such fiscal year. Such obligations
21 must be authorized by resolution and may contain such terms,
22 covenants, and conditions and may be in such form, either
23 coupon or registered, as such resolution or subsequent
24 resolution may provide. Bonds may be issued to finance, in
25 whole or in part, the cost of construction, acquisition, or
26 improvement of real and personal property of the district. The
27 board, in determining such costs, may include all costs and
28 estimated costs of the issuance of said bonds; all
29 engineering, inspection, fiscal, and legal expenses; all costs
30 of preliminary surveys, plans, maps, and specifications;
31 initial reserve funds for debt service; the costs of the

1 services of persons, firms, corporations, partnerships, or
2 associations employed, or consultants, advisors, engineers, or
3 fiscal, financial, or other experts in the planning,
4 preparation, and financing of the district, or any asset
5 thereof, upon such terms and conditions as the board finds
6 appropriate. The bonds may be sold all at one time or in
7 blocks, from time to time, at public or private sale, or if
8 refunding bonds, may also be delivered and exchanged for the
9 outstanding obligations to be refunded thereby in such manner
10 as the trustees find appropriate by resolution. Pending the
11 preparation of the definitive bonds, interim certificates or
12 receipts or temporary bonds in such form and with such
13 provisions as the trustees may determine may be issued to the
14 purchaser or purchasers of the bonds sold pursuant to this
15 act. Said bonds, and such interim certificates or receipts or
16 temporary bonds, shall be fully negotiable.

17 (16) Secure bonds, notes, or other certificates of
18 indebtedness issued by the district by pledging to the
19 punctual payment of such obligations its non-ad valorem
20 assessment revenues, and by mortgaging property owned by the
21 district, and by pledging an amount of the revenue derived
22 from fees charged for the use of the facilities and services
23 of the district and the reserve funds, if applicable.

24 (17) Deliver purchase money notes and mortgages.

25 (18) Install and maintain facilities and lighting
26 within and adjoining the district and acquire and dispose of
27 other facilities for the general purpose of the district.

28 (19) Construct and improve real and personal property
29 of the district.

30 (20) Purchase and lease as lessor or lessee real and
31 personal property on behalf of the district and pay for same

1 with cash or, in the case of purchase, by the issuance of
2 bonds or revenue certificates.

3 (21) Sell the real and personal property of the
4 district.

5 (22) Operate, supervise, and maintain recreational
6 facilities or enter into arrangements with others for such
7 operation and maintenance pursuant to contract, lease, or
8 other agreement.

9 (23) Establish, charge, and collect reasonable fees
10 for admission to or use of facilities, provided the use of the
11 facilities is extended to residents and nonresident owners
12 within the district and their family members and guests and
13 such other persons and groups as the board authorizes, and
14 apply such fees to the operation, maintenance, improvement, or
15 acquisition of other facilities and to the payment of bonds,
16 notes, and revenue certificates of the district.

17 (24) Employ personnel necessary for the operation and
18 maintenance of the facilities of the district and expend
19 district funds for a surety bond for each employee authorized
20 to handle funds on behalf of the district.

21 (25) Expend funds to maintain property not necessarily
22 owned by the district.

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

27 (27) Remove for absenteeism any trustee who is absent
28 from three consecutive meetings, after due notice and an
29 opportunity to be heard upon charges of absenteeism.

30 (28) Sue and be sued except as otherwise provided by
31 this act.

1 (29) Transfer funds among line items of the budget,
2 after its adoption, a maximum of 20 percent each fiscal year
3 to meet unforeseen contingencies.

4 (30) Establish in its bylaws provisions for creating a
5 petty cash fund and expending moneys from that fund.

6 (31) Create and maintain reasonable reserve funds for
7 the repayment of debt and debt service incurred by the board
8 in behalf of the district and for known or planned future
9 expenditures which have been adopted by resolution of the
10 board, which funds may be carried forward from one fiscal year
11 to the next.

12 (32) By resolution invest any surplus and reserve
13 funds of the district in accordance with general law relating
14 to financial matters pertaining to political subdivisions and
15 with section 215.44(1), Florida Statutes.

16 (33) Establish in its bylaws provisions for calling
17 any other meetings, which provisions shall include the
18 requirement of proper public notice.

19 (34) Direct the supervisor by resolution to place on
20 the ballot a referendum to change the maximum annual
21 assessment from the amount of \$300, which is the amount
22 approved by referendum and in effect at the time this act
23 becomes law.

24 (35) Direct the supervisor by resolution to place on
25 the ballot a referendum during any regularly scheduled
26 election, or at the time of any special election being
27 conducted for other purposes within the district, for any
28 purpose necessary to conducting the business of the district.

29 (36) Except as otherwise provided by this act, perform
30 other duties, when applicable, required by chapter 189,
31 Florida Statutes, relating to special districts and for the

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

4 (37) Perform other functions necessary to the carrying
5 out of the provisions of this act.

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

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

25 Section 10. The district may be dissolved in
26 accordance with the provisions of section 189.4042, Florida
27 Statutes.

28 Section 11. If any clause, section, or provision of
29 this act is declared to be unconstitutional or invalid for any
30 cause or reason, it shall be eliminated from this act, and the
31 remaining portion of the act shall be in force and effect and

1 be as valid as if such invalid portion thereof had not been
2 incorporated therein.

3 Section 12. The provisions of this act shall be
4 liberally construed in order to effectively carry out the
5 purpose of this act in the interest of the public.

6 Section 13. Chapters 82-305 and 84-438, Laws of
7 Florida, are repealed; however, the repeal does not affect the
8 prosecution of any cause of action that accrued before the
9 effective date of the repeal and does not affect bylaws,
10 rules, actions, decisions, contracts, agreements, obligations,
11 and properties of the district existing before the effective
12 date of the repeal.

13 Section 14. This act shall take effect upon becoming a
14 law.

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