

By Representatives Wallace, Murman, L. Miller, Ogles,  
Alexander, Bilirakis, Henriquez, Hart, Byrd, Bradley and Crist

1                                   A bill to be entitled  
2           An act relating to the Carrollwood Recreation  
3           District, Hillsborough County; providing  
4           intent; deleting provisions which have had  
5           their effect; improving clarity; adding  
6           definitions; providing for nonpartisan,  
7           biennial elections and a transition schedule;  
8           providing for appointment of trustees under  
9           certain circumstances; clarifying voting  
10          procedures of the trustees; adding standard  
11          business practices of the district, including  
12          adopting bylaws, creating a petty cash fund,  
13          calling meetings, investing the funds of the  
14          district, opening an account at its designated  
15          depository, entering into agreements, and  
16          acquiring and disposing of property; repealing  
17          chapter 98-475, Laws of Florida; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. It is the intent of the Legislature that  
23 this act supersede chapter 98-475, Laws of Florida, which  
24 codified, revised, and amended extant law and created law  
25 relating to the Carrollwood Recreation District. The purpose  
26 of this act is to delete provisions which have had their  
27 effect; to improve clarity and facilitate correct  
28 interpretation; to change the election procedures and further  
29 clarify and enumerate the general powers of the district; and  
30 to repeal ch. 98-475, Laws of Florida, to preclude the  
31 proliferation of special acts relating to the district.

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

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

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

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

13           (a) Carrollwood Subdivision, Hillsborough County,  
14 Florida:

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15	<u>27</u>	<u>43</u>	<u>81</u>
16	<u>28</u>	<u>Unplatted</u>	

17  
18       (b) Tract in the West 1/2 of the Northeast 1/4 of the  
19 Southeast 1/4 of Section 16, Township 28 South, Range 18 East,  
20 Hillsborough County, Florida, which is a tract of 5.117 acres  
21 containing the Carrollbrook Condominium Townhouses.

22 (Unplatted)

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

27       (2) Any other real property acquired by the district,  
28 including any structure on such property at the time of  
29 acquisition or constructed subsequent thereto.

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

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

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

2           (3) "District" means the Carrollwood Recreation  
3 District.

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

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

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

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

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

21           (9) "Reserve funds" means those moneys held by the  
22 district for the repayment of any debt and other obligations  
23 created pursuant to section 7 and for known or planned future  
24 expenditures which have been adopted by resolution and which  
25 funds may be carried forward from one fiscal year to the next.

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

29           (11) "Revenues of the district" means moneys acquired  
30 through non-ad valorem assessment, fees derived from the use  
31 of facilities, and interest income thereon.

1       (12) "Supervisor" means the supervisor of elections of  
2 the county.

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

6       (14) "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, elected in nonpartisan  
10 elections or appointed as provided in this act, each of whom  
11 shall serve for a term of 2 years and may be subsequently  
12 reelected.

13       (1) To serve on the board as a trustee, a person must  
14 be a qualified elector residing within the district. To  
15 qualify to have his or her name placed on the ballot, a person  
16 shall submit the qualifying fee required in subsection (2)(c)  
17 of s. 189.405, Florida Statutes, or present a written petition  
18 to the supervisor signed by not fewer than 15 qualified  
19 electors of the district during the time period specified in  
20 subsection (2) of s. 99.061, Florida Statutes. Any candidate  
21 who collects and expends campaign contributions shall do so in  
22 accordance with chapter 106, Florida Statutes. A candidate is  
23 exempt from the provisions of chapter 106, Florida Statutes,  
24 which requires the establishment of a bank account, appointing  
25 a campaign treasurer, and filing periodic reports if, at the  
26 time of 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 payment of the  
29 qualifying fee or the expenditure of funds for the cost of  
30 verification of signatures on petitions.

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1  
2       (c) The supervisor shall canvass the returns of the  
3 election and announce the results upon completion. In case two  
4 persons receive an equal and highest number of votes for the  
5 last position to be filled, under the supervision of the  
6 supervisor, such persons shall draw lots to determine who  
7 shall be elected to the office.

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

15       Section 6. The business of the district shall be  
16 conducted in the following manner:

17       (1) Each trustee shall take office in accordance with  
18 subsection (4) of s. 100.041, Florida Statutes, and shall  
19 serve until his or her successor is elected or appointed as  
20 provided by this act.

21       (2) The fiscal year of the district shall begin  
22 October 1.

23       (3) Six trustees constitute a quorum, and the board  
24 may not conduct official business without a quorum present. A  
25 vote of a majority of the members present is required to pass  
26 any motion or resolution before the board and for taking a  
27 binding vote on any issue. If at any time the number of  
28 trustees drops below six, the Governor shall immediately  
29 appoint the number of trustees from among the qualified  
30 electors of the district necessary to attain a quorum, and  
31

1 each such appointee shall serve until his or her successor is  
2 elected or appointed as provided by this act.

3 (4) The board is subject to all laws of the state  
4 relating to open government, financial disclosure, avoidance  
5 of conflicts of interest, and ethics.

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

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

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

29 (1) Hold an organizational session annually on the  
30 first Tuesday after the first Monday in January, or as soon  
31 thereafter as practicable, to elect from its membership a

1 president, a vice president, a secretary, and a treasurer,  
2 each of whom shall be elected for a 1-year term and may be  
3 subsequently re-elected, and to establish a regular monthly  
4 meeting date, time, and place which shall be advertised in a  
5 newspaper of general circulation in the county as soon  
6 thereafter as practicable.

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

9 (3) Transact the business of the district, including  
10 expending funds from the depository and any reserve and  
11 surplus fund accounts.

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

14 (5) Establish in its bylaws provisions for calling of  
15 any meetings in addition to those provided in subsection (1),  
16 which provisions shall include the requirement of proper  
17 public notice.

18 (6) By resolution, invest surplus and reserve funds of  
19 the district in accordance with general law relating to  
20 financial matters pertaining to political subdivisions and  
21 with s. 215.44(1), Florida Statutes.

22 (7) Levy a non-ad valorem assessment, known as a  
23 "recreation district tax," against each improved residential  
24 parcel within the district for the purpose of funding the  
25 needs of the district as provided in this act.

26 (8) Perform other duties, when applicable, required by  
27 chapter 189, Florida Statutes, relating to special districts  
28 and for the levy, collection, and enforcement of the non-ad  
29 valorem assessment pursuant to chapter 197, Florida Statutes,  
30 and this act.

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1       (9) Designate a depository which is qualified as a  
2 public depository pursuant to s. 280.04, Florida Statutes, and  
3 establish an account to which revenues of the district are to  
4 be initially deposited and from which expenditures and  
5 transfers to and from reserve and surplus fund accounts may be  
6 made.

7       (10) 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       (11) Sell the real and personal property of the  
12 district.

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

15       (13) 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       (14) 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       (15) Establish, charge, and collect reasonable fees  
24 for admission to or use of recreational facilities, provided  
25 the use of the facilities is extended to residents and  
26 nonresident owners within the district and their family  
27 members and guests and such other persons and groups as the  
28 board authorizes, and apply such fees to the operation,  
29 maintenance, improvement, or acquisition of recreational  
30 facilities and to the payment of bonds, notes, or revenue  
31 certificates of the district.

1       (16)(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 and the reserve  
13 funds, if applicable.

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

15 (d) Create and maintain reasonable reserve funds for  
16 the repayment of such debt and other obligations created  
17 pursuant to this subsection and for known or planned future  
18 expenditures which have been adopted by resolution of the  
19 board.

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

23 (18)(a) Prepare and adopt by July 1 annually an  
24 itemized budget, including projected revenues and expenditures  
25 for the next fiscal year, which reflects the district tax to  
26 be assessed and collected upon the taxable property of the  
27 district for the next year.

28 (b) Hold a public hearing at which time property  
29 owners and residents within the district may appear and be  
30 heard before the adoption of the budget and provide notice of  
31 the time and place of the public hearing once in a newspaper

1 of general circulation within the county not less than 21 days  
2 before the public hearing.

3 (c) Fix by August 1 annually the tax to be assessed  
4 annually.

5 (d) Transfer funds among line items of the budget,  
6 after its adoption, a maximum of 20 percent each fiscal year  
7 to meet unforeseen contingencies.

8 (19) Direct the supervisor by resolution of the board  
9 to place on the ballot a referendum to change the maximum  
10 annual assessment from the amount of \$300, which is the amount  
11 approved by referendum and in effect at the time this act  
12 becomes a law.

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

18 (21) Enter into contracts and agreements, including  
19 for such professional services as legal, accounting, law  
20 enforcement, and security services.

21 (22) Sue and be sued except as otherwise provided in  
22 this act.

23 (23) Fill for the unexpired term from among the  
24 qualified electors of the district any vacancy on the board,  
25 including any which may remain after the Governor, pursuant to  
26 this act, or the trustees have made an appointment as provided  
27 in this section, by vote of the remaining trustees.

28 (24) In December of each year in which a district  
29 trustee election is held and in the event less than six  
30 trustees have run for and been elected during that year's  
31 election cycle, appoint an additional trustee or trustees from

1 among the qualified electors of the district necessary to  
2 attain a quorum when trustees take office in January, each of  
3 whom shall serve for the same term as if elected.

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

8 (26) Receive gifts of real and personal property.

9 (27) Install and maintain parkways and lighting and  
10 acquire and dispose of other facilities for the general  
11 purpose of the district.

12 (28) Employ personnel necessary for the operation and  
13 maintenance of the facilities of the district and expend  
14 district funds for a surety bond for each employee authorized  
15 to handle funds on behalf of the district.

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

19 (30) Adopt rules and bylaws:

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

22 (b) To carry out the provisions of this act.

23 Section 8. The tax collector shall include on the  
24 combined notice for ad valorem and non-ad valorem assessments  
25 as provided by section 197.3635, Florida Statutes, the non-ad  
26 valorem assessment established by the board, and the  
27 assessment shall be collected in the manner and form provided  
28 for collection of non-ad valorem assessments by chapter 197,  
29 Florida Statutes, subject to the conditions of section  
30 197.3632, Florida Statutes. After deducting the fees provided  
31 for in section 197.3632, Florida Statutes, the tax collector

1 shall deposit the remaining funds into the depository  
2 designated by the board.

3 Section 9. The non-ad valorem assessment is a valid  
4 lien upon each improved residential parcel of land until it  
5 has been paid or is barred by chapter 95, Florida Statutes,  
6 and is considered a part of the non-ad valorem assessment for  
7 Hillsborough County subject to the same penalties, charges,  
8 fees, and remedies for enforcement and collection as provided  
9 by chapter 197, Florida Statutes, for the collection of such  
10 non-ad valorem assessments.

11 Section 10. The district may be dissolved in  
12 accordance with the provisions of section 189.4042, Florida  
13 Statutes.

14 Section 11. If any clause, section, or provision of  
15 this act is declared to be unconstitutional or invalid for any  
16 cause or reason, it shall be eliminated from this act, and the  
17 remaining portion of the act shall be in force and effect and  
18 be as valid as if such invalid portion thereof had not been  
19 incorporated therein.

20 Section 12. The provisions of this act shall be  
21 liberally construed in order to effectively carry out the  
22 purpose of this act in the interest of the public.

23 Section 13. Chapters 98-475, 72-565, 75-385, 81-394,  
24 and 84-445, Laws of Florida, are repealed; however, the repeal  
25 does not affect the prosecution of any cause of action that  
26 accrued before the effective date of the repeal and does not  
27 affect rules, actions, decisions, contracts, agreements,  
28 obligations, and properties of the district existing before  
29 the effective date of the repeal.

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