

By Senators Grant, Lee, Hargrett and Sebesta

13-469-99

See HB

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 that 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:

<u>UNIT NO.</u>	<u>PLAT BOOK</u>	<u>PAGE NO.</u>
<u>1</u>	<u>35</u>	<u>40</u>
<u>2</u>	<u>35</u>	<u>54</u>
<u>3</u>	<u>35</u>	<u>76</u>
<u>4</u>	<u>37</u>	<u>2</u>
<u>5</u>	<u>37</u>	<u>62</u>
<u>6</u>	<u>37</u>	<u>41</u>
<u>7</u>	<u>38</u>	<u>27</u>
<u>8</u>	<u>38</u>	<u>62</u>
<u>9</u>	<u>38</u>	<u>63</u>
<u>10</u>	<u>38</u>	<u>81</u>
<u>11</u>	<u>39</u>	<u>31</u>
<u>12</u>	<u>39</u>	<u>4</u>
<u>13</u>	<u>39</u>	<u>42</u>

1	<u>14</u>	<u>39</u>	<u>86</u>
2	<u>15</u>	<u>40</u>	<u>1</u>
3	<u>16</u>	<u>39</u>	<u>97</u>
4	<u>17</u>	<u>40</u>	<u>53</u>
5	<u>18</u>	<u>40</u>	<u>50</u>
6	<u>19</u>	<u>41</u>	<u>36</u>
7	<u>20</u>	<u>41</u>	<u>8</u>
8	<u>21</u>	<u>42</u>	<u>39</u>
9	<u>22-A</u>	<u>43</u>	<u>73</u>
10	<u>22-B</u>	<u>43</u>	<u>72</u>
11	<u>23</u>	<u>42</u>	<u>85</u>
12	<u>24</u>	<u>43</u>	<u>9</u>
13	<u>25</u>	<u>43</u>	<u>29</u>
14	<u>26</u>	<u>43</u>	<u>37</u>
15	<u>27</u>	<u>43</u>	<u>81</u>
16	<u>28</u>	<u>Unplatted</u>	
17			
18	<u>(b) Tract in the West 1/2 of the Northeast 1/4 of the</u>		
19	<u>Southeast 1/4 of Section 16, Township 28 South, Range 18 East,</u>		
20	<u>Hillsborough County, Florida, which is a tract of 5.117 acres</u>		
21	<u>containing the Carrollbrook Condominium Townhouses.</u>		
22	<u>(Unplatted)</u>		
23	<u>(c) Tract South 1025 feet of West 1/2 of Southeast 1/4</u>		
24	<u>of Northeast 1/4 of Section 16, Township 28 South, Range 18</u>		
25	<u>East, Hillsborough County, Florida, lying East of Dale Mabry</u>		
26	<u>Highway. (Unplatted)</u>		
27	<u>(2) Any other real property acquired by the district,</u>		
28	<u>including any structure on such property at the time of</u>		
29	<u>acquisition or constructed subsequent thereto.</u>		
30	<u>Section 4. As used in this act, the term:</u>		
31	<u>(1) "Board" means the governing body of the district.</u>		

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.

31

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

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

23 (b) All qualified electors residing within the
24 district are eligible to vote in district elections, providing
25 such electors have registered to vote before the closing of
26 the registration records for such election. All election
27 ballots shall be prepared by the supervisor, and the ballot
28 language shall be substantially in the following form:

29
30 Board of Trustees of Carrollwood Recreation District
31 (stating their names).

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 the treasurer are
11 authorized to execute checks and documents on behalf of the
12 district, and any disbursement of funds, except those expended
13 from the petty cash fund, must be by check or draft signed by
14 any two of the three officers so authorized. Any trustee
15 authorized to sign checks of the district or otherwise
16 designated to handle its funds shall, before entering upon
17 such duties, execute to the Governor of the state for the
18 benefit of the district a good and sufficient bond in the sum
19 of \$5,000 with a qualified corporate surety, conditioned to
20 faithfully perform the duties of a trustee and to account for
21 any district funds to which he 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.

31

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.