

By Senators Grant, Sebesta, Lee and Hargrett

13-133-99

See HB

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8           have been impliedly repealed or superseded;  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

1 providing a savings clause; repealing chapters  
2 82-305 and 84-438, Laws of Florida, relating to  
3 the district; providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

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15 impliedly repealed or superseded; replacing incorrect  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

28 Section 2. (1) The area described in section 3 is an  
29 independent special district approved by referendum on  
30 September 7, 1982; is to be called the Twelve Oaks Special  
31

1 District; is located in Hillsborough County, Florida; and has  
2 the powers and duties set forth in this act.

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

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

11 Section 3. Included in the district are:

12 (1) Town' N Country Park, Section Nine (9)  
13

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1           (2) Twelve Oaks Village

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8           (3) Any other real property acquired by the district,  
9 including any structure on such property at the time of  
10 acquisition or constructed subsequent thereto.

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

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

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

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

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

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

31

1           (9) "Reserve funds" means those moneys held by the  
2 district for the repayment of any debt and other obligations  
3 created pursuant to subsections (15), (16), and (17) of  
4 section 7 and for known or planned future expenditures that  
5 have been adopted by resolution and which funds may be carried  
6 forward from one fiscal year to the next.

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

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

13           (12) "Supervisor" means the supervisor of elections of  
14 the county.

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

18           (14) "Trustee" means a member of the governing body of  
19 the district.

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

25           (1) To serve on the board as a trustee, a person must  
26 be a qualified elector residing within the district. To  
27 qualify to have his or her name placed on the ballot, a person  
28 shall submit the qualifying fee required in section  
29 189.405(2)(c), Florida Statutes, or shall present a written  
30 petition signed by not fewer than fifteen qualified electors  
31 within the district to the supervisor during the time period

1 specified by section 99.061(2), Florida Statutes. Any  
2 candidate who collects or expends campaign contributions shall  
3 do so in accordance with chapter 106, Florida Statutes, but is  
4 exempt from those requirements if, at the time of qualifying,  
5 that candidate declares in writing to the supervisor that he  
6 or she will not collect or expend any campaign contributions  
7 except for the expenditure of funds for the payment of the  
8 qualifying fee or the cost of verification of signatures on  
9 petitions.

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

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





1 any resolution coming under consideration by the board and for  
2 taking a binding vote on any issue. If at any time the number  
3 of trustees drops below six, the Governor shall immediately  
4 appoint the number of trustees from among the qualified  
5 electors of the district necessary to attain a quorum, and  
6 each such appointee shall serve until his or her successor is  
7 elected or appointed as provided by this act. The board shall  
8 conduct its business as a public body and is subject to all  
9 laws of the state relating to open government, financial  
10 disclosure, avoidance of conflicts of interest, and ethics.

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

27 (4) In accordance with section 768.1355(3), Florida  
28 Statutes, members of the governing board of the district shall  
29 incur no civil liability and shall have immunity from suit as  
30 provided in section 768.28, Florida Statutes, for acts or  
31

1 omissions relating to conduct of the official duties of the  
2 board.

3 Section 7. The board has the power to:

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

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

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

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

27 (4) By resolution, designate a depository that is  
28 qualified as a public depository pursuant to section 280.04,  
29 Florida Statutes, and thereafter establish an account to which  
30 the special district tax revenues collected are to be  
31 deposited by the tax collector and from which expenditures and

1 transfers to and from reserve and surplus fund accounts may be  
2 made.

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

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

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

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

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

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

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

29 (10) Transact the business of the district including  
30 expending funds from the depository designated in subsection

31 (4) and any reserve and surplus fund accounts.

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 contracts and agreements for professional services such as  
11 legal, accounting, law 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, and for  
16 the purchase of land, buildings, and other improvements;  
17 however, the aggregate amount of all obligations of the  
18 district payable in any fiscal year shall not exceed the  
19 aggregate amount of all revenue received by the district from  
20 all sources during such fiscal year. Such obligations must be  
21 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. The 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, 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 that the use  
11 of the facilities is extended to residents and nonresident  
12 owners within the district and their family members and guests  
13 and 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, to a maximum of 20 percent each fiscal  
3 year 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 that have been adopted by resolution of the  
10 board, that 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 has 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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