

By Representative Clarke

1                                   A bill to be entitled  
2           An act relating to Tri-Par Estates Park and  
3           Recreation District, Sarasota County;  
4           codifying, reenacting, amending, and repealing  
5           special acts relating to the district;  
6           providing a charter; providing for  
7           severability; providing an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Pursuant to section 189.429, Florida  
12 Statutes, this act constitutes the codification of all special  
13 acts relating to the Tri-Par Estates Park and Recreation  
14 District. It is the intent of the Legislature in enacting this  
15 law to provide a single, comprehensive special act charter for  
16 the district, including all current legislative authority  
17 granted to the district by its several legislative enactments  
18 and any additional authority granted by this act. It is  
19 further the intent of this act to preserve all district  
20 authority, including the authority to annually assess and levy  
21 against the taxable property in the district a tax not to  
22 exceed 0.2 mills on the dollar of assessed valuation.

23           Section 2. Chapters 78-618, 81-492, 83-521, 85-497,  
24 88-465, and 90-402, Laws of Florida, are codified, reenacted,  
25 amended, and repealed as provided herein.

26           Section 3. The charter for the Tri-Par Estates Park  
27 and Recreation District is re-created and reenacted to read:

28           Section 1. Effective July 13, 1978, all of the  
29 residential land in Tri-Par Estates Subdivisions, Sarasota  
30 County, hereinafter described, became and was incorporated  
31 into and as a park and recreation district, being a special

1 taxing district, and a political subdivision of the State of  
2 Florida, having the powers and duties herein set forth, under  
3 the name of "Tri-Par Estates Park and Recreation District."

4 Section 2. The lands so incorporated being described  
5 as follows:

6  
7 Tri-Par Estates, Unit One, a Subdivision, as  
8 recorded in Plat Book 13, Page 9, of the Public  
9 Records of Sarasota County, Florida.

10  
11 Tri-Par Estates, Unit Two, a Subdivision, as  
12 recorded in Plat Book 14, Page 4, of the Public  
13 Records of Sarasota County, Florida.

14  
15 Tri-Par Estates, Unit Three, a Subdivision, as  
16 recorded in Plat Book 16, Pages 15 and 15A, of  
17 the Public Records of Sarasota County, Florida.

18  
19 Tri-Par Estates, Unit Four, a Subdivision, as  
20 recorded in Plat Book 16, Page 26, of the  
21 Public Records of Sarasota County, Florida.

22  
23 Tri-Par Estates, Unit Five, a Subdivision, as  
24 recorded in Plat Book 16, Pages 20, 20A and  
25 20B, of the Public Records of Sarasota County,  
26 Florida.

27  
28 Tri-Par Estates, Unit Six, a Subdivision, as  
29 recorded in Plat Book 18, Page 1, of the Public  
30 Records of Sarasota County, Florida.

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1           Tri-Par Estates, Unit Seven, a Subdivision, as  
2           recorded in Plat Book 18, Pages 48 and 48A, of  
3           the Public Records of Sarasota County, Florida.  
4  
5           Tri-Par Estates, Unit Eight, a Subdivision, as  
6           recorded in Plat Book 19, Page 34, of the  
7           Public Records of Sarasota County, Florida.  
8  
9           Tri-Par Estates, Unit Nine, a Subdivision, as  
10          recorded in Plat Book 22, Pages 20, 20A and  
11          20B, of the Public Records of Sarasota County,  
12          Florida.  
13  
14          Section 3. The business and affairs of said district  
15          shall be conducted and administered by a board of nine  
16          trustees, hereinafter referred to as the "trustees," who shall  
17          organize by electing from their number a chair, two vice  
18          chairs, a secretary, and a treasurer after each election. Said  
19          trustees shall not receive any compensation for their services  
20          but shall be entitled to be reimbursed from funds of the  
21          district for any authorized disbursements they may properly  
22          incur on behalf of the district. Each trustee authorized to  
23          sign checks of the district or otherwise designated to handle  
24          its funds shall, before said trustee enters upon such duties,  
25          execute to the Governor of the State of Florida, for the  
26          benefit of said district, a good and sufficient bond approved  
27          by a circuit judge of Sarasota County in the sum of \$10,000  
28          with a qualified corporate surety conditioned to faithfully  
29          perform the duties of such trustee and to account for all  
30          funds which may come into his or her hands as such trustee.  
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1 All premiums for such surety on all bonds shall be paid from  
2 the funds of said district.

3 Section 4. All district elections shall be conducted  
4 and supervised by the Supervisor of Elections of Sarasota  
5 County, under the rules governing general elections in the  
6 County of Sarasota, except as may otherwise be provided  
7 herein. All elections shall be held at the Tri-Par Estates  
8 Recreation Hall in the district.

9 Section 5. Any registered voter residing in the  
10 district may vote in a district election. Application for  
11 absentee ballots may be requested from the Supervisor of  
12 Elections of Sarasota County within 1 year prior to each  
13 election, and shall be counted if returned to the Supervisor  
14 of Elections' office by 7 p.m. on the day of each such  
15 election pursuant to the Florida Election Code. All election  
16 ballots shall be prepared by the Supervisor of Elections of  
17 the County of Sarasota. A person desiring to have the person's  
18 name placed on the ballot for election as a trustee of the  
19 district shall be a registered voter residing in the district  
20 and a freeholder within the district and shall pay a filing  
21 fee of \$25 or in the alternative, the person may qualify by  
22 fulfilling the requirements of section 99.095, Florida  
23 Statutes. Notice of said election setting forth the names of  
24 the persons proposed as trustees of the district shall be  
25 given by the district in writing addressed to each resident  
26 within the district not less than 15 days before the date of  
27 each election, and shall also be published one time at least  
28 10 days prior to such election, in a newspaper of general  
29 circulation published in the county, and if no newspaper is  
30 published in said county, then they shall cause written or  
31 printed notices of said election to be posted in five public

1 places within said district. Notwithstanding the provisions of  
2 section 101.20, Florida Statutes, the publication of a sample  
3 ballot is not required. The Supervisor of Elections of  
4 Sarasota County shall appoint inspectors and clerks for the  
5 election whose duties shall be the same as similar officers in  
6 general elections, except as herein stated. Said election may  
7 be by ballot or by other electronic or electromechanical  
8 voting system, and if by ballot the same shall be written or  
9 printed in black ink on plain paper and shall be substantially  
10 in the following form:

11

12 Board of Trustees of the Tri-Par Estates Park and  
13 Recreation District (stating their names),

14

15 and if by other electronic or electromechanical voting system  
16 the requirements for the ballot herein described shall be  
17 adapted to the use of such voting system. Election of trustees  
18 shall be held annually on the second Tuesday of March or, in  
19 the alternative, on another Tuesday in March in conjunction  
20 with any other special, primary, or general election to be  
21 conducted by the Supervisor of Elections, by electing three  
22 trustees in each year for 3-year terms. In the March 2002  
23 election, Seats #4, #5, and #6 shall be filled. In the March  
24 2003 election, Seats #1, #2, and #3 shall be filled. In the  
25 March 2004 election, Seats #7, #8, and #9 shall be filled.  
26 Trustees may succeed themselves in office. The term of newly  
27 elected trustees shall commence on the first Tuesday of April  
28 following the election. Trustees shall serve until their  
29 successors take office, except as otherwise provided herein.  
30 The trustees whose seats are filled pursuant to the trustees'  
31 election in December 1998 (Seats #4, #5, and #6) shall serve

1 until their successors take office following the March 2002  
2 trustees' election. The trustees whose seats are filled  
3 pursuant to the trustees' election in December 1999 (Seats #1,  
4 #2, and #3) shall serve until their successors take office  
5 following the March 2003 trustees' election. The trustees  
6 whose seats are filled pursuant to the trustees' election in  
7 December 2000 (Seats #7, #8, and #9) shall serve until their  
8 successors take office following the March 2004 trustees'  
9 election.

10 Section 6. The Supervisor of Elections of Sarasota  
11 County shall canvass the return of election and shall announce  
12 the result thereof no later than the day following the  
13 election. The expenses of the Supervisor of Elections for  
14 conducting each election shall be paid out of general funds of  
15 the district.

16 Section 7. The board of trustees shall have the right,  
17 power, and authority to levy a special assessment known as a  
18 "recreation district tax" against all taxable real estate  
19 situated within said district for the purpose of providing  
20 funds for the operation of the district. The trustees shall,  
21 on or before August 1 of each year, by resolution fix the  
22 amount of the assessment for the next ensuing fiscal year and  
23 shall direct the Property Appraiser of Sarasota County to  
24 assess and the Tax Collector of Sarasota County to collect  
25 such tax as assessed upon each improved residential parcel of  
26 property within the district. Prior to the adoption of the  
27 said resolution fixing the amount of the said assessment, the  
28 trustees shall hold a public hearing at which time property  
29 owners within the district may appear and be heard. Notice of  
30 the time and place of the public hearing shall be published  
31 once in a newspaper of general circulation within the County

1 of Sarasota at least 21 days prior to the said public hearing.  
2 The county Property Appraiser shall include on the Sarasota  
3 County tax roll the special assessment for park and recreation  
4 district benefits thus made by the board of trustees of the  
5 district, and the same shall be collected in the manner and  
6 form as provided for collection of county taxes. The county  
7 Tax Collector and the county Property Appraiser shall each  
8 receive compensation for their services regarding such special  
9 assessments of 1 1/2 percent of the gross tax receipts instead  
10 of the commissions and fees usually earned for the assessment  
11 and collection of county taxes. Further, the services of the  
12 Property Appraiser and the Tax Collector under this act are  
13 hereby declared to be special services performed directly for  
14 the district, and any payment therefor shall not be considered  
15 of the general income of such official nor come under sections  
16 116.03 and 145.121, Florida Statutes. After deducting  
17 therefrom the said fees, the Tax Collector shall deposit the  
18 funds into a depository designated by the board of trustees of  
19 the district for the account of the district. For the purpose  
20 of determining property subject to the district tax, an  
21 "improved residential parcel" shall be construed to mean a  
22 platted lot or lots on which a mobile home may be erected. The  
23 district tax shall be levied against each lot or  
24 proportionally against any fraction thereof which is part of  
25 an improved residential parcel. The district tax shall not be  
26 an ad valorem tax but rather shall be a unit tax assessed  
27 equally against all improved residential parcels.

28 Section 8. The district may acquire and hold property,  
29 sue and be sued, enter into contracts, and perform other  
30 functions necessary or desirable to the carrying out of the  
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1 provisions and intent of this act. No debt shall be created  
2 without the approval of the board of trustees.

3 Section 9. The district tax shall be a lien upon each  
4 improved residential parcel of land so assessed until said tax  
5 has been paid, and shall be considered a part of the Sarasota  
6 County tax, subject to the same penalties, charges, fees, and  
7 remedies for enforcement and collection as provided by the  
8 laws of the State of Florida for the collection of such taxes.

9 Section 10. The proceeds of said tax and the funds of  
10 the district shall be deposited in the name of the district in  
11 a bank or savings and loan association or building and loan  
12 association authorized to receive deposits of county funds,  
13 which depository shall be designated by resolution of the  
14 board of trustees. No funds of the district shall be disbursed  
15 save and except by check or draft signed by the chair and  
16 treasurer of the board, or in the absence of either, by  
17 another trustee designated for that purpose by the board.

18 Section 11. All vacancies occurring in the board of  
19 trustees from any cause shall be filled for the unexpired term  
20 by the remaining trustees by the appointment of a successor  
21 trustee or trustees from among the registered voters residing  
22 in the district who are freeholders within said district. Any  
23 trustee failing to discharge the duties of the trustee's  
24 position may be removed for cause by the board of trustees,  
25 after due notice and an opportunity to be heard upon charges  
26 of malfeasance or misfeasance.

27 Section 12. The fiscal year of the district shall  
28 commence October 1 of each year and end on September 30 of the  
29 following year. The trustees shall, on or before April 1 of  
30 each year, prepare an annual financial statement of income and  
31 disbursements during the prior fiscal year. On or before July



1 1 of each year, the trustees shall prepare and adopt an  
2 itemized budget showing the amount of money necessary for the  
3 operation of the district for the next fiscal year, and the  
4 district tax to be assessed and collected upon the taxable  
5 property of the district for the next ensuing year. Such  
6 financial statement shall be published once during the month  
7 of April each year in a newspaper of general circulation  
8 within the County of Sarasota. A copy of said statement and a  
9 copy of said budget shall also be furnished by mail to each  
10 taxpayer within said district within 30 days of its  
11 preparation and a copy made available for public inspection at  
12 the principal office of the district at reasonable hours.

13 Section 13. The "property" of the district shall  
14 consist of property and improvements now or hereafter erected  
15 or purchased by the trustees for the district as well as any  
16 other real or personal property which the trustees of the  
17 district may, in their discretion, determine to be necessary  
18 or convenient for the purposes of the district; in addition  
19 thereto, for the comfort and convenience of taxpayers within  
20 the district, the trustees may in their discretion assume the  
21 cost of installing and maintaining entrance parkways and  
22 street lighting within the district and may acquire and  
23 dispose of any other facilities for the general purposes of  
24 the district.

25 Section 14. Persons entitled to use the facilities and  
26 property of the district shall be limited to property owners  
27 within the district, their family members and guests, and to  
28 such other persons and groups as the trustees may authorize  
29 from time to time.

30 Section 15. The trustees shall supervise all real and  
31 personal property owned by the district, and shall have the

1 following powers in addition to those already herein  
2 enumerated:

3 (a) To negotiate purchases and to purchase real and  
4 personal property on behalf of the district and to pay for  
5 such purchases either with cash or by the issuance of bonds or  
6 revenue certificates.

7 (b) To determine and fix the tax to be assessed  
8 annually within the district.

9 (c) To enter into contracts on behalf of the district.

10 (d) To incur obligations on behalf of the district,  
11 including the power to issue bonds, notes, and other evidence  
12 of indebtedness of the district for the purpose of obtaining  
13 funds for the operation of the district, including the  
14 purchase of lands, buildings, and other improvements,  
15 provided, however, that the aggregate amount of all  
16 obligations of the district payable in any calendar year shall  
17 not exceed the aggregate amount of all revenue received by the  
18 district from all sources during such calendar year; bonds,  
19 notes, or other certificates of indebtedness issued by the  
20 district may be secured by the pledge of tax revenues obtained  
21 by the district as well as by mortgage of property owned by  
22 the district.

23 (e) To issue its bonds to finance, in whole or in  
24 part, the cost of construction, acquisition, or improvement of  
25 real and personal property of the district. The trustees, in  
26 determining such costs, may include all costs and estimated  
27 costs of the issuance of said bonds, all engineering,  
28 inspection, fiscal, and legal expenses, all costs of  
29 preliminary surveys, plans, maps, and specifications, initial  
30 reserve funds for debt service, the costs of the services of  
31 persons, firms, corporations, partnerships, or associations

1 employed, or consultants, advisors, engineers, or fiscal,  
2 financial, or other experts hired in the planning,  
3 preparation, and financing of the district. The trustees are  
4 hereby authorized to employ and to enter into agreements or  
5 contracts with consultants, engineers, attorneys, and fiscal,  
6 financial, or other experts for the planning, preparation, and  
7 financing of the district, or any asset thereof, upon such  
8 terms and conditions as the trustees shall deem desirable and  
9 proper. The district may pledge to the punctual payment of  
10 bonds or revenue certificates issued pursuant to this act, and  
11 interest thereon, an amount of the revenue derived from the  
12 facilities and services of the district, including  
13 acquisitions, extensions, and improvements thereof sufficient  
14 to pay said bonds and the interest thereon as the same shall  
15 become due and to create and maintain reasonable reserves  
16 therefor.

17 (f) To buy, sell, rent, or lease real and personal  
18 property in the name of the district; to deliver purchase  
19 money notes and mortgages or to assume the obligation of  
20 existing mortgages in connection with the acquisition of  
21 property of the district; and to receive gifts of real or  
22 personal property.

23 (g) To promulgate reasonable rules and regulations  
24 governing the use of the facilities of the district.

25 (h) To use district funds in the administration and  
26 enforcement of the deed restrictions as filed in the Sarasota  
27 County public records for properties within the district.

28 (i) To provide trash and garbage collection and cable  
29 television or other centralized television antenna signals and  
30 services for the benefit of all persons residing within the  
31 district; to own, operate, and maintain the necessary

1 equipment and apparatus or to contract with others to provide  
2 such services; and to hold such franchises as may be necessary  
3 or desirable to provide such services.  
4 Section 16. The construction, acquisition, or  
5 improvement of real or personal property of the district, or  
6 the refunding of any bonds or other obligations issued for  
7 such purposes, may be authorized under this act. Bonds may be  
8 authorized to be issued under this act to provide funds for  
9 such purposes by resolution or resolutions of the board of  
10 trustees, which may be adopted at the same meeting at which  
11 they were introduced and may be adopted by a majority of the  
12 members thereof, and shall take effect immediately upon  
13 adoption and need not be published or posted. Said bonds shall  
14 bear interest at a rate pursuant to section 215.84, Florida  
15 Statutes, payable semiannually, may be in one or more series,  
16 may bear such date or dates, may mature at such time or times  
17 not exceeding 40 years from their respective dates, may be  
18 made payable in such medium of payment, at such place, within  
19 or without the state, may carry such registration privileges,  
20 may be subject to such terms of redemption, with or without  
21 premium, may be executed in such manner, may contain such  
22 terms, covenants, and conditions, and may be in such form,  
23 either coupon or registered, as such resolution or subsequent  
24 resolution may provide. Said bonds may be sold all at one time  
25 or in blocks from time to time, at public or private sale, or  
26 if refunding bonds, may also be delivered and exchanged for  
27 the outstanding obligations to be refunded thereby, in such  
28 manner as the board of trustees shall determine by resolution,  
29 and at such price or prices computed according to standard  
30 tables of bond value as will yield to the purchasers or the  
31 holders of the obligations surrendered in exchange in the case

1 of refunding bonds, income at a rate pursuant to section  
2 215.84, Florida Statutes, to the maturity dates of the several  
3 bonds so sold or exchanged on the money paid or the principal  
4 amount of obligations surrendered therefor to the district.  
5 Pending the preparation of the definitive bonds, interim  
6 certificates or receipts or temporary bonds in such form and  
7 with such provisions as the board of trustees may determine  
8 may be issued to the purchaser or purchasers of the bonds sold  
9 pursuant to this act. Said bonds, and such interim  
10 certificates or receipts or temporary bonds, shall be fully  
11 negotiable.

12 Section 17. A record shall be kept of all meetings of  
13 the board of trustees and in such meetings a concurrence of a  
14 majority of said trustees shall be necessary to any  
15 affirmative action taken by the board. Said trustees may adopt  
16 such rules and regulations, not inconsistent with any portion  
17 of this act, as it may deem necessary or convenient in and  
18 about the transaction of its business and in carrying out the  
19 provisions of this act.

20 Section 18. For the general purposes of this act, each  
21 parcel of property in said district is hereby declared to be  
22 uniformly and generally benefited by the provisions hereof.

23 Section 19. The district hereby created may be  
24 abolished by a majority vote of the registered voters residing  
25 in the district at an election called by the board of trustees  
26 of the district for such purpose, which election shall be held  
27 and notice thereof given under the same requirements as are  
28 set forth hereunder for the election of trustees and the  
29 levying and collecting of the district tax, provided that the  
30 district shall not be abolished while it has outstanding  
31

1 indebtedness without first making adequate provision for the  
2 liquidation of such outstanding indebtedness.

3 Section 20. Trustees not guilty of malfeasance in  
4 office shall be relieved of any personal liability for any  
5 acts done by them while holding office in the district; and  
6 any trustee who is made a party to any action, suit, or  
7 proceeding solely by reason of holding office in the district  
8 shall be indemnified by the district against reasonable  
9 expenses, including attorneys' fees, incurred by said trustee  
10 in defending such suit, action, or proceeding, except with  
11 respect to matters wherein it shall be adjudged in such  
12 proceeding that such trustee is liable for negligence or  
13 misconduct in the performance of the trustee's duties.

14 Section 21. The word "district" shall mean the  
15 political subdivision of the State of Florida and special park  
16 and recreation district hereby organized; the words "board,"  
17 "trustees," and "board of trustees" shall mean the board of  
18 trustees of and for the special park and recreation district  
19 hereby created when used in this act, unless otherwise  
20 specified.

21 Section 22. Notwithstanding any provisions to the  
22 contrary as may now appear in sections 8, 13, or 15, the  
23 trustees of Tri-Par Estates Park and Recreation District shall  
24 not enter into any future contracts involving the purchase,  
25 lease, conveyance, or other manner of acquisition of real or  
26 tangible personal property in any instance when the cost,  
27 price, or consideration therefor exceeds \$20,000, including  
28 all obligations, proposed to be assumed in connection with  
29 such acquisition, unless:

30 (a) Such acquisition relates to the repair or  
31 replacement of assets previously owned by the district; or

1           (b)(1) The trustees by two-thirds vote have approved  
2 the terms and conditions of such acquisition by written  
3 resolution;

4           (2) Within not less than 30 days nor more than 60 days  
5 of the date of the resolution, the trustees certify the  
6 resolution to the Supervisor of Elections of Sarasota County  
7 for a referendum election; and

8           (3) The registered voters residing in the district  
9 approve the resolution by a majority vote of said voters in a  
10 referendum election in which the qualifications of voters,  
11 notice, and procedure shall be the same as set forth herein  
12 for the election of trustees and for special referendum  
13 elections.

14           Section 23. If any clause, section, or provision of  
15 this act shall be declared to be unconstitutional or invalid  
16 for any cause or reason, the same shall be eliminated from  
17 this act, and the remaining portion of said act shall be in  
18 force and effect and be as valid as if such invalid portion  
19 thereof had not been incorporated therein.

20           Section 24. All laws or parts of laws in conflict  
21 herewith are, to the extent of such conflict, hereby repealed.

22           Section 25. The provisions of this act shall be  
23 liberally construed in order to effectively carry out the  
24 purposes of this act in the interest of the public.

25           Section 4. Chapters 76-618, 81-492, 83-521, 85-497,  
26 88-465, and 90-402, Laws of Florida, are repealed.

27           Section 5. This act shall take effect upon becoming a  
28 law.

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