

By Senator Carlton

24-1430-01

1 A bill to be entitled
2 An act relating to the Tri-Par Estates Park and
3 Recreation District, Sarasota County; providing
4 for codification of special laws relating to
5 the Tri-Par Estates Park and Recreation
6 District, a special district of the state;
7 providing boundaries of the district; providing
8 for election of a Board of Trustees;
9 authorizing the Board of Trustees to levy a
10 special assessment; providing powers and duties
11 of the Board of Trustees; authorizing the Board
12 of Trustees to issue bonds and other
13 obligations; providing a procedure for
14 abolishing the district; requiring that certain
15 contracts be approved by a vote of the electors
16 residing in the district; repealing chapters
17 78-618, 81-492, 83-521, 85-497, 88-465, 90-402,
18 Laws of Florida; providing for severability;
19 providing for the act to control in the event
20 of conflict; providing for construction of the
21 act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Effective July 13, 1978, all of the
26 residential land in Tri-Par Estates Subdivisions, Sarasota
27 County, hereinafter described, became and was incorporated
28 into and as a park and recreation district, being a special
29 taxing district and a political subdivision of the State of
30 Florida, having the powers and duties set forth in this act,

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1 under the name of "Tri-Par Estates Park and Recreation
2 District."

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

5
6 Tri-Par Estates, Unit One, a Subdivision, as
7 recorded in Plat Book 13, Page 9, of the Public
8 Records of Sarasota County, Florida.

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

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

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

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

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

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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.

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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.

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14 Section 3. The business and affairs of the 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 chairperson, two vice
18 chairpersons, a secretary, and a treasurer after each
19 election. The trustees may not receive any compensation for
20 their services but are entitled to reimbursement from funds of
21 the district for any authorized disbursements they 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 the trustee enters upon such duties,
25 execute to the Governor of the State of Florida, for the
26 benefit of the 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 the trustee and to account for all funds
30 that come into his or her hands as a trustee. All premiums for
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1 such surety on all bonds shall be paid from the funds of the
2 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 otherwise provided in this act.
7 All elections shall be held at the Tri-Par Estates Recreation
8 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 7:00 P.M. on the day of the election
15 pursuant to the Florida Election Code. All election ballots
16 shall be prepared by the Supervisor of Elections of the County
17 of Sarasota. A person desiring to have his or her name placed
18 on the ballot for election as a trustee of the district must
19 be a registered voter residing in the district and a
20 freeholder within the district and must pay a filing fee of
21 \$25 or, in the alternative, the person may qualify by
22 fulfilling the requirements of section 99.095, Florida
23 Statutes. Notice of the election, setting forth the names of
24 the persons proposed as trustees of the district, must 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 must also be published one time at least 10
28 days prior to the election, in a newspaper of general
29 circulation published in the county, and if a newspaper is not
30 published in the county, the district shall cause written or
31 printed notices of the election to be posted in five public

1 places within the district. Notwithstanding section 101.20,
2 Florida Statutes, the publication of a sample ballot is not
3 required. The Supervisor of Elections of Sarasota County shall
4 appoint inspectors and clerks for the election whose duties
5 shall be the same as similar officers in general elections,
6 except as provided in this section. The election may be by
7 ballot or by other electronic or electromechanical voting
8 system and, if by ballot, the ballot must be written or
9 printed in black ink on plain paper and must 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
16 system, the requirements for the ballot described in this
17 section shall be adapted to the use of such voting system.
18 Election of trustees shall be held annually on the second
19 Tuesday of March or, in the alternative, on another Tuesday in
20 March in conjunction with any other special, primary, or
21 general election conducted by the Supervisor of Elections, by
22 electing three trustees in each year for 3-year terms. In the
23 March, 2002 election, Seats Number 4, Number 5, and Number 6
24 shall be filled. In the March, 2003 election, Seats Number 1,
25 Number 2, and Number 3 shall be filled. In the March, 2004
26 election, Seats Number 7, Number 8, and Number 9 shall be
27 filled. Trustees may succeed themselves in office. The terms
28 of newly elected trustees commence on the first Tuesday of
29 April following the election. Trustees shall serve until their
30 successors take office, except as otherwise provided in this
31 section. The trustees whose seats are filled pursuant to the

1 trustees' election in December, 1998 (Seats Number 4, Number
2 5, and Number 6) shall serve until their successors take
3 office following the March, 2002 trustees' election. The
4 trustees whose seats are filled pursuant to the trustees'
5 election in December, 1999 (Seats Number 1, Number 2, and
6 Number 3) shall serve until their successors take office
7 following the March, 2003 trustees' election. The trustees
8 whose seats are filled pursuant to the trustees' election in
9 December, 2000 (Seats Number 7, Number 8, and Number 9) shall
10 serve until their successors take office following the March,
11 2004 trustees' election.

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

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

1 be published once in a newspaper of general circulation within
2 the County of Sarasota at least 21 days prior to the public
3 hearing. The county Property Appraiser shall include on the
4 Sarasota County tax roll the special assessment for park and
5 recreation district benefits thus made by the Board of
6 Trustees of the district, and the special assessment shall be
7 collected in the same manner and form as is provided for
8 collecting county taxes. The offices of the county Tax
9 Collector and the county Property Appraiser shall each receive
10 compensation for their services regarding such special
11 assessments of one and one-half percent of the gross tax
12 receipts instead of the commissions and fees usually earned
13 for assessing and collecting county taxes. The services of the
14 Property Appraiser and the Tax Collector under this act are
15 declared to be special services performed directly for the
16 district, and any payment for such services is not general
17 income of the official and not subject to section 116.03 or
18 section 145.121, Florida Statutes. After deducting the fees,
19 the Tax Collector shall deposit the funds into a depository
20 designated by the Board of Trustees of the district for the
21 account of the district. For the purpose of determining
22 property subject to the district assessment, the term
23 "improved residential parcel" means a platted lot or lots on
24 which a mobile home may be erected. The district assessment
25 shall be levied against each lot or proportionally against any
26 fraction thereof which is part of an improved residential
27 parcel. The district assessment is not an ad valorem tax but
28 is a unit assessment that is assessed equally against all
29 improved residential parcels.

30 Section 8. The district may acquire and hold property,
31 sue and be sued, enter into contracts, and perform other

1 functions necessary to carry out the provisions and intent of
2 this act. Debt may not be created without the approval of the
3 Board of Trustees.

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

11 Section 10. The proceeds of the assessment and the
12 funds of the district shall be deposited in the name of the
13 district in a bank, savings and loan association, or building
14 and loan association authorized to receive deposits of county
15 funds, which depository must be designated by resolution of
16 the Board of Trustees. Funds of the district may not be
17 disbursed except by check or draft signed by the chairperson
18 and treasurer of the board, or in the absence of either, by
19 another trustee designated for that purpose by the board.

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

29 Section 12. The fiscal year of the district shall
30 commence October 1 of each year and end on September 30 of the
31 following year. The trustees shall, on or before April 1 of

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

16 Section 13. The "property" of the district consists of
17 property and improvements now or hereafter erected or
18 purchased by the trustees for the district, as well as any
19 other real or personal property that the trustees of the
20 district determine to be necessary or convenient for the
21 purposes of the district. In addition, for the comfort and
22 convenience of taxpayers within the district, the trustees may
23 assume the cost of installing and maintaining entrance
24 parkways and street lighting within the district and may
25 acquire and dispose of any other facilities for the general
26 purposes of the district.

27 Section 14. The only persons entitled to use the
28 facilities and property of the district are property owners
29 within the district, their family members, and their guests
30 and other persons and groups authorized by the trustees.

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1 Section 15. The trustees shall supervise all real and
2 personal property owned by the district and, in addition to
3 the other powers enumerated in this act, may:

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

7 (b) Determine and fix the assessment to be assessed
8 annually within the district.

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

10 (d) Incur obligations on behalf of the district, which
11 includes issuing bonds, notes, and other evidence of
12 indebtedness of the district for the purpose of obtaining
13 funds for the operation of the district and for purchasing
14 lands, buildings, and other improvements. However, the
15 aggregate amount of all obligations of the district payable in
16 any calendar year may not exceed the aggregate amount of all
17 revenue received by the district from all sources during that
18 calendar year. Bonds, notes, or other certificates of
19 indebtedness issued by the district may be secured by the
20 pledge of assessment revenues obtained by the district as well
21 as by mortgage of property owned by the district.

22 (e) Issue bonds to finance, in whole or in part, the
23 cost of constructing, acquiring, or improving real and
24 personal property of the district. The trustees, in
25 determining such costs, may include all costs and estimated
26 costs of the issuance of the bonds; all engineering,
27 inspection, fiscal, and legal expenses; all costs of
28 preliminary surveys, plans, maps, and specifications; initial
29 reserve funds for debt service; the costs of the services of
30 persons, firms, corporations, partnerships, or associations
31 employed; or the costs of consultants, advisors, engineers, or

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

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

21 (g) Adopt reasonable rules governing the use of the
22 facilities of the district.

23 (h) Use district funds in administering and enforcing
24 the deed restrictions filed in the Sarasota County public
25 records for properties within the district.

26 (i) Provide trash and garbage collection and cable
27 television or other centralized television antenna signals and
28 services for the benefit of all persons residing within the
29 district; own, operate, and maintain the necessary equipment
30 and apparatus or contract with others to provide such
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1 services; and hold the franchises necessary to provide such
2 services.

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

1 maturity dates of the bonds sold or exchanged on the money
2 paid or the principal amount of obligations surrendered
3 therefor to the district. Pending the preparation of the
4 definitive bonds, interim certificates or receipts or
5 temporary bonds in a form and with such provisions as the
6 Board of Trustees determines may be issued to the purchaser or
7 purchasers of the bonds sold pursuant to this act. The bonds,
8 and the interim certificates, receipts, or temporary bonds,
9 must be fully negotiable.

10 Section 17. A record shall be kept of all meetings of
11 the Board of Trustees and in such meetings a concurrence of a
12 majority of the trustees is necessary to any affirmative
13 action taken by the board. The trustees may adopt rules, not
14 inconsistent with any portion of this act, it deems are
15 necessary or convenient to transact its business and carry out
16 the provisions of this act.

17 Section 18. For purposes of this act, each parcel of
18 property in the district is declared to be uniformly and
19 generally benefitted by the provisions of this act.

20 Section 19. The district created by this act may be
21 abolished by a majority vote of the registered voters residing
22 in the district at an election called by the Board of Trustees
23 of the district for such purpose, which election must be held
24 and notice thereof given under the same requirements as are
25 set forth in this act for the election of trustees and the
26 levying and collecting of the district assessment. However,
27 the district may not be abolished while it has outstanding
28 indebtedness without first making adequate provision for the
29 liquidation of the outstanding indebtedness.

30 Section 20. A trustee who is not guilty of malfeasance
31 in office is not personally liable for any acts performed by

1 the trustee while holding office in the district. Any trustee
2 who is made a party to any action, suit, or proceeding solely
3 by reason of holding office in the district shall be
4 indemnified by the district against reasonable expenses,
5 including attorneys' fees, incurred by the trustee in
6 defending such suit, action, or proceeding, except with
7 respect to matters wherein it is adjudged in such proceeding
8 that the trustee is liable for negligence or misconduct in
9 performing the trustee's duties.

10 Section 21. As used in this act, the word "district"
11 means the political subdivision of the State of Florida and
12 special park and recreation district organized under this act
13 and the words "board," "trustees," and "Board of Trustees"
14 mean the Board of Trustees of and for the special park and
15 recreation district created under this act.

16 Section 22. Notwithstanding any provision to the
17 contrary in Section 8, Section 13, or Section 15, the trustees
18 of Tri-Par Estates Park and Recreation District may not enter
19 into any contract that involves the purchase, lease,
20 conveyance, or other manner of acquisition of real or tangible
21 personal property in any instance when the cost, price, or
22 consideration therefor exceeds \$20,000, including all
23 obligations proposed to be assumed in connection with the
24 acquisition unless:

25 (1) The acquisition relates to the repair or
26 replacement of assets previously owned by the district; or

27 (2)(a) The trustees, by a two-thirds vote, approve the
28 terms and conditions of the acquisition by written resolution;

29 (b) Within not less than 30 days or more than 60 days
30 after the date of the resolution, the trustees certify the
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1 resolution to the Supervisor of Elections of Sarasota County
2 for a referendum election; and

3 (c) The registered voters residing in the district
4 approve the resolution by a majority vote of the voters voting
5 in a referendum election in which the qualifications of
6 voters, notice, and procedure are the same as set forth in
7 this act for the election of trustees and for special
8 referendum elections.

9 Section 23. Chapter 78-618, Laws of Florida, chapter
10 81-492, Laws of Florida, chapter 83-521, Laws of Florida,
11 chapter 85-497, Laws of Florida, chapter 88-465, Laws of
12 Florida, and chapter 90-402, Laws of Florida, are repealed.

13 Section 24. If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 invalidity does not affect other provisions or applications of
16 the act which can be given effect without the invalid
17 provision or application, and to this end the provisions of
18 this act are severable.

19 Section 25. In the event of a conflict between the
20 provisions of this act and the provisions of any other act,
21 the provisions of this act shall control to the extent of the
22 conflict.

23 Section 26. This act shall be liberally construed in
24 order to effectively carry out the purposes of this act in the
25 interest of the public.

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

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