

By Senator Miller

21-1540-01

See HB 923

1 A bill to be entitled
2 An act relating to Bayshore Gardens Park and
3 Recreation District, Manatee County; codifying,
4 reenacting, amending, and repealing special
5 acts relating to the district; providing
6 legislative intent; providing district status
7 and boundaries; providing for applicability of
8 chapters 418 and 189, F.S., and other general
9 laws; providing a district charter; providing
10 for liberal construction; providing a saving
11 clause in the event any provision of the act is
12 deemed invalid; providing for severability;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Pursuant to section 189.429, Florida
18 Statutes, this act constitutes the codification of all special
19 acts relating to the Bayshore Gardens Park and Recreation
20 District. It is the intent of the Legislature in enacting this
21 law to provide a single, comprehensive special act charter for
22 the district, including all current legislative authority
23 granted to the district by its several legislative enactments
24 and any additional authority granted by this act.

25 Section 2. Chapters 79-509 and 97-357, Laws of
26 Florida, are codified, reenacted, amended, and repealed as
27 herein provided.

28 Section 3. The charter for the Bayshore Gardens Park
29 and Recreation District is re-created and reenacted to read:

30 Section 1. Status and boundaries of Bayshore Gardens
31 Park and Recreation District.--The Bayshore Gardens Park and

1 Recreation District is hereby declared to be an independent
2 recreation district and a public corporation of the State of
3 Florida pursuant to chapter 418, Florida Statutes, as it may
4 be amended from time to time, and the lands lying within the
5 area described as follows in Manatee County shall hereby
6 constitute the Bayshore Gardens Park and Recreation District:

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8 Bayshore Gardens Subdivisions, Section 1, as
9 recorded in Plat Book 9, Page 12, of the Public
10 Records of Manatee County, Florida.

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12 Bayshore Gardens Subdivisions, Section 2, as
13 recorded in Plat Book 9, Pages 35 and 36, of
14 the Public Records of Manatee County, Florida.

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16 Bayshore Gardens Subdivisions, Section 4, as
17 recorded in Plat Book 9, Page 69, of the Public
18 Records of Manatee County, Florida

19
20 Bayshore Gardens Subdivisions, Section 3, as
21 recorded in Plat Book 10, Pages 5, 6, and 7, of
22 the Public Records of Manatee County, Florida.

23
24 Bayshore Gardens Subdivisions, Section 4
25 (Replat of Blocks A and B), as recorded in Plat
26 Book 10, Page 10, of the Public Records of
27 Manatee County, Florida.

28
29 Bayshore Gardens Subdivision, Section 5, as
30 recorded in Plat Book 10, Pages 17 and 18, of
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1 the Public Records of Manatee County, Florida,
2 less Lot 1.
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4 Bayshore Gardens Subdivisions, Section 3
5 (Replat of Blocks K, L, and M), as recorded in
6 Plat Book 10, Page 38, of the Public Records of
7 Manatee County, Florida.
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9 Bayshore Gardens Subdivisions, Section 9A, as
10 recorded in Plat Book 10, Page 83 and 84, of
11 the Public Records of Manatee County, Florida.
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13 Bayshore Gardens Subdivisions, Section 9B, as
14 recorded in Plat Book 11, Page 2, of the Public
15 Records of Manatee County, Florida.
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17 Bayshore Gardens Subdivisions, Section 9C, as
18 recorded in Plat Book 11, Page 3, of the Public
19 Records of Manatee County, Florida.
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21 Bayshore Gardens Subdivisions, Section 9D, as
22 recorded in Plat Book 11, Page 4, of the Public
23 Records of Manatee County, Florida.
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25 Bayshore Gardens Subdivisions, Section 9F, as
26 recorded in Plat Book 11, Page 5, of the Public
27 Records of Manatee County, Florida.
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29 Bayshore Gardens Subdivisions, Section 9G, as
30 recorded in Plat Book 11, Page 6, of the Public
31 Records of Manatee County, Florida.

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2 Bayshore Gardens Subdivisions, Section 6, as
3 recorded in Plat Book 11, Page 59, of the
4 Public Records of Manatee County, Florida.
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6 Bayshore Gardens Subdivisions, Section 7, as
7 recorded in Plat Book 11, Page 60, of the
8 Public Records of Manatee County, Florida.
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10 Bayshore Gardens Subdivisions, Section 8, as
11 recorded in Plat Book 11, Page 63, of the
12 Public Records of Manatee County, Florida.
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14 Bayshore Gardens Subdivisions, Section 10, as
15 recorded in Plat Book 11, Page 93, of the
16 Public Records of Manatee County, Florida.
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18 Bayshore Gardens Subdivisions, Section 11, as
19 recorded in Plat Book 12, Pages 4 and 5, of the
20 Public Records of Manatee County, Florida.
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22 Bayshore Gardens Subdivisions, Section 12, as
23 recorded in Plat Book 12, Pages 6 and 7, of the
24 Public Records of Manatee County, Florida.
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26 Bayshore Gardens Subdivisions, Section 13, as
27 recorded in Plat Book 12, Pages 8 and 9, of the
28 Public Records of Manatee County, Florida.
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1 Bayshore Gardens Subdivisions, Section 14, as
2 recorded in Plat Book 12, Page 10 and 11, of
3 the Public Records of Manatee County, Florida.

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5 Bayshore Gardens Subdivisions, Section 31, as
6 recorded in Plat Book 12, Pages 32 and 33, of
7 the Public Records of Manatee County, Florida.

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9 Bayshore Gardens Subdivisions, Section 32, as
10 recorded in Plat Book 12, Pages 34 and 35, of
11 the Public Records of Manatee County, Florida.

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13 Bayshore Gardens Subdivisions, Section 33, as
14 recorded in Plat Book 12, Pages 36 and 37, of
15 the Public Records of Manatee County, Florida.

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17 Bayshore Gardens Subdivisions, Section 19, as
18 recorded in Plat Book 12, Pages 76 and 77, of
19 the Public Records of Manatee County, Florida.

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21 Bayshore Gardens Subdivisions, Section 20, as
22 recorded in Plat Book 12, Page 78 and 79, of
23 the Public Records of Manatee County, Florida.

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25 Bayshore Gardens Subdivisions, Section 21, as
26 recorded in Plat Book 12, Pages 80 and 81, of
27 the Public Records of Manatee County, Florida.

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29 Bayshore Gardens Subdivisions, Section 22, as
30 recorded in Plat Book 13, Pages 1 and 2, of the
31 Public Records of Manatee County, Florida.

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2 Bayshore Gardens Subdivisions, Section 35, as
3 recorded in Plat Book 13, Pages 44 and 45, of
4 the Public Records of Manatee County, Florida.
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6 Bayshore Gardens Subdivisions, Section 36, as
7 recorded in Plat Book 13, Pages 53 and 54, of
8 the Public Records of Manatee County, Florida.
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10 Bayshore Gardens Subdivisions, Section 37A, as
11 recorded in Plat Book 13, Page 82, of the
12 Public Records of Manatee County, Florida.
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14 Parcel of land, 70' X 108' facing 70' on the
15 extension of Renssalaer Drive described as
16 follows:
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18 Begin as the most Easterly corner of Lot 1,
19 Block C, Section 14, Bayshore Gardens
20 Subdivision, as per Plat thereof recorded in
21 Plat Book 12, Page 10, Public Records of
22 Manatee County, Florida; thence run N 49°47'51"
23 W, along the Northerly line of said Lot 1,
24 Block C, 108.0' to the E line of Renssalaer
25 Drive extended; thence run N 40°12'10" E 70.0'
26 to a point; thence run S 49°47'50" E, 108.0' to
27 a point; thence run S 40°12'10" W 70.0' to the
28 point of beginning; less a 5' easement off the
29 S and E sides of the above described parcel.
30 Begin at the SW corner of Lot 2, Block A,
31 Bayshore Gardens, Section 35, as per Plat

1 recorded in Plat Book 13, Pages 44 and 45;
2 thence run along the W line of said Lot 2, and
3 the extension thereof N 0°30' W, a distance of
4 108.0 feet to a point; thence run South 89°30'
5 W, a distance of 70.0 feet to a point; thence
6 run S 0°30' E, a distance of 108.0 feet to a
7 point; thence run N 89°30' E, a distance of
8 70.0 feet to the point of beginning, as
9 described in Official Record Book 308, Page 43,
10 Public Records of Manatee County, Florida.

11
12 Section 2. Minimum charter requirements.--In
13 accordance with section 189.404(3), Florida Statutes, the
14 following subsections shall constitute the charter of the
15 Bayshore Gardens Park and Recreation District:

16 (1) The district is organized and exists for all
17 purposes set forth in this act and chapter 418, Florida
18 Statutes, as they may be amended from time to time.

19 (2) The powers, functions, and duties of the district
20 regarding ad valorem taxation, bond issuance, other
21 revenue-raising capabilities, budget preparation and approval,
22 liens and foreclosure of liens, use of tax deeds and tax
23 certificates as appropriate for non-ad valorem assessments,
24 and contractual agreements shall be as set forth in chapters
25 170, 189, 197, and 418, Florida Statutes, or any other
26 applicable general or special law, as they may be amended from
27 time to time.

28 (3) The district was created by the Florida
29 Legislature in 1979 by House Bill No. 1233 in accordance with
30 chapter 418, Florida Statutes.

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1 (4) The district's charter may be amended only by
2 special act of the Legislature.

3 (5) In accordance with chapter 189, Florida Statutes,
4 this act, and section 418.21(1)(a), Florida Statutes, the
5 district is governed by a nine-member board of trustees,
6 elected on a popular-vote basis by the residents of the
7 district. The trustees shall hold office for a term of 4 years
8 and may succeed themselves. Election of succeeding boards of
9 trustees shall be held biennially on the first Tuesday after
10 the first Monday of December of each odd-numbered year. Said
11 election shall be held at the Bayshore Gardens Recreation Hall
12 in the district between the hours of 7 a.m. and 7 p.m. The
13 supervisor of elections of Manatee County shall conduct the
14 election and canvass the return of said elections and shall
15 announce the results thereof. Notice of said election setting
16 forth the names of the persons proposed as trustees of the
17 district for the next ensuing 4 years shall be published by
18 the district one time at least 10 days prior to such election
19 in a newspaper of general circulation published in Manatee
20 County. Said election may be by ballot or by voting machine.
21 All vacancies occurring in the board of trustees from any
22 causes shall be filled for the unexpired term by the remaining
23 trustees by the appointment of a successor trustee or trustees
24 from among the qualified electors of said district. Any
25 trustee moving from the district shall resign forthwith. Any
26 trustee failing to discharge the duties of his or her position
27 may be removed for cause by the board of trustees after due
28 notice and an opportunity to be heard upon charges of
29 malfeasance or misfeasance. The trustees, upon their biennial
30 election, shall organize by electing from their number a
31 chair, two vice chairs, a secretary, and a treasurer.

1 (6) The trustees shall not receive any compensation
2 for their services but shall be entitled to be reimbursed from
3 funds of the district for any travel and per diem expense,
4 pursuant to section 112.061, Florida Statutes, that they may
5 properly incur on behalf of the district. Before any trustee
6 shall enter upon his or her duties, he or she shall execute to
7 the Governor of the state, for the benefit of the district, a
8 good and sufficient bond in the sum of \$10,000 with a
9 qualified corporate surety conditioned to faithfully perform
10 the duties of such trustee and to account for all funds which
11 may come into his or her hands as such trustee. All premiums
12 for such surety on all bonds shall be paid from the funds of
13 the district.

14 (7) The administrative duties of the board of trustees
15 shall be as set forth in this act and chapters 189 and 418,
16 Florida Statutes, as they may be amended from time to time.
17 The trustees shall have the following specific powers:

18 (a) To negotiate purchases and to purchase real and
19 personal property on behalf of the district and to pay for
20 such purchases either with cash or by the issuance of
21 promissory notes or revenue certificates;

22 (b) To determine and fix the assessment to be assessed
23 annually within the district;

24 (c) To enter into contracts on behalf of the district;

25 (d) To buy, sell, rent, or lease real and personal
26 property in the name of the district;

27 (e) To deliver purchase money notes and mortgages or
28 to assume the obligation of existing mortgages in connection
29 with the acquisition of property of the district;

30 (f) To receive gifts of real or personal property; and
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1 (g) To promulgate reasonable rules and regulations
2 governing the use of the facilities of the district.

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4 A record shall be kept of all meetings of the board of
5 trustees, and in such meetings a concurrence of the majority
6 of said trustees shall be necessary to any affirmative action
7 taken by the board. Said trustees may adopt such rules and
8 regulations, not inconsistent with any portion of this act or
9 chapters 189 and 418, Florida Statutes, as they may deem
10 necessary or convenient in and about the transaction of the
11 business of the district and in carrying out the provisions of
12 this act.

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14 Notwithstanding any provisions to the contrary herein, the
15 trustees shall not enter into any future contracts involving
16 the purchase, lease, conveyance, or other manner of
17 acquisition of real or tangible personal property in any
18 instance where the cost, price, or consideration thereof
19 exceeds \$125,000, including all obligations proposed to be
20 assumed in connection with such acquisition, unless: the
21 trustees by two-thirds vote have approved the terms and
22 conditions of such acquisition by written resolution and
23 within not less than 30 nor more than 60 days of the date of
24 the resolution, the trustees certify the resolution to the
25 supervisor of elections of Manatee County for a referendum
26 election, and a majority of qualified electors approve the
27 resolution by referendum election.

28 (8) Requirements for financial disclosure, meeting
29 notices, and reporting requirements shall be as set forth in
30 chapters 112, 189, 286, and 418, Florida Statutes, as they may
31 be amended from time to time. The fiscal year of the district

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

15 (9) The district shall have no authority to issue
16 bonds.

17 (10) The board of trustees shall have the right,
18 power, and authority to levy a special assessment known as a
19 recreation district tax against all taxable real estate
20 situated within said district for the purpose of providing
21 funds for the operation of the district. The trustees shall,
22 on or before June 1 of each year, beginning in the year 1980,
23 or as soon as practicable thereafter, by resolution fix the
24 amount of the assessment for the current year and shall direct
25 the property appraiser of Manatee County to assess and the tax
26 collector of Manatee County to collect such assessment as
27 assessed upon each improved residential parcel of property
28 within the district. Prior to the adoption of the said
29 resolution fixing the amount of the said assessment, the
30 trustees shall hold a public hearing at which time property
31 owners within the district may appear and be heard. Notice of

1 the time and place of the public hearing shall be published
2 once in a newspaper of general circulation within the County
3 of Manatee at least 21 days prior to the said public hearing.
4 The assessment shall be determined by dividing the budget by
5 the number of parcels subject to the assessment. If a majority
6 of the residents subject to said assessment present at said
7 public hearing are opposed to the budget and assessment, it
8 shall be reduced until acceptable to a majority voting. The
9 county property appraiser shall include on the Manatee County
10 tax roll the special assessment for park and recreation
11 district benefits thus made by the board of trustees of the
12 district, and the same shall be collected in the manner and
13 form as provided for collection of county taxes. The county
14 tax collector and the county property appraiser shall each
15 receive compensation for their services regarding such special
16 assessments of 1 1/2 percent of the gross tax receipts instead
17 of the commissions and fees usually earned for the assessment
18 and collection of county taxes. After deducting therefrom the
19 said fees, the tax collector shall deposit the funds into a
20 depository designated by the board of trustees of the district
21 for the account of the district. For the purpose of
22 determining property subject to the district assessment, an
23 "improved residential parcel" shall be construed to mean a
24 platted lot or lots on which a residence may be erected. The
25 district assessment shall not be an ad valorem tax but rather
26 shall be a unit tax assessed equally against all improved
27 residential parcels. The district assessment shall be a lien
28 upon each improved residential parcel of land so assessed
29 until said assessment has been paid, and shall be considered a
30 part of the Manatee County tax, subject to the same penalties,
31 charges, fees, and remedies for enforcement and collection as

1 provided by the laws of the state for the collection of such
2 taxes. The proceeds of said assessment and the funds of the
3 district shall be deposited in the name of the district in a
4 bank or savings and loan association or building and loan
5 association authorized to receive deposits of county funds,
6 which depository shall be designated by resolution of the
7 board of trustees. No funds of the district shall be disbursed
8 save and except by check or draft signed by the chair and
9 treasurer of the board or, in the absence of either, by
10 another trustee designated by the board for that purpose.

11 (11) The district's planning requirements shall be as
12 set forth in chapters 189 and 418, Florida Statutes, as they
13 may be amended from time to time.

14 (12) The district's geographic boundary limitations
15 shall be as set forth in section 3 of this act.

16 (13) The Bayshore Gardens Park and Recreation District
17 is an independent special district as defined in section
18 189.403(3), Florida Statutes.

19 (14) The district shall have all powers provided to it
20 by this act, chapters 189 and 418, Florida Statutes, and other
21 applicable general laws, as they may be amended from time to
22 time.

23 (15) The district hereby created may be abolished by a
24 two-thirds vote of the qualified electors of the districts
25 participating in an election called by the trustees of the
26 district for that purpose, which election shall be held and
27 notice thereof given under the same requirements as are set
28 forth hereunder for the election of trustees and the levying
29 and collecting of district assessments, provided, however,
30 that the district shall not be abolished while it has
31 outstanding indebtedness without first making adequate

1 provisions for the liquidation of such outstanding
2 indebtedness.

3 Section 3. Use of district facilities.--Persons
4 entitled to use the district facilities and property of the
5 district shall be limited to residents within the district,
6 their family members and guests, and such other persons and
7 groups as the trustees may authorize from time to time. The
8 property of the district shall consist of real or personal
9 property and improvements now or hereafter acquired, erected,
10 or purchased by the trustees for the district. For the
11 purposes of this act, each parcel of property in said district
12 is hereby declared to be uniformly and generally benefited by
13 the provisions hereof.

14 Section 4. Indemnification.--Any trustee who is made a
15 party to any action, suit, or proceeding solely by reason of
16 his or her holding office in the district shall be indemnified
17 by the district against reasonable expenses, including
18 attorney's fees incurred by him or her in defending such suit,
19 action, or proceeding, except with respect to matters wherein
20 it shall be adjudged in such proceeding that such trustee is
21 liable for negligence or misconduct in the performance of his
22 or her duties.

23 Section 4. It is intended that the provisions of this
24 act shall be liberally construed for accomplishing the work
25 authorized and provided for, or intended to be provided for,
26 by this act, and, where strict construction would result in
27 the defeat of the accomplishment of any part of the work
28 authorized by this act, and a liberal construction would
29 permit or assist in the accomplishment of any part of the work
30 authorized by this act, the liberal construction shall be
31 chosen.

1 Section 5. If any clause, section, or provision of
2 this act shall be declared to be unconstitutional or invalid
3 for any cause or reason, the same shall be eliminated from
4 this act, and the remaining portion of this act shall be in
5 force and effect and be as valid as if such invalid portion
6 thereof had not been incorporated therein.

7 Section 6. Chapters 79-509 and 97-357, Laws of
8 Florida, relating to the Bayshore Gardens Park and Recreation
9 District, shall be repealed 10 days after the effective date
10 of this act.

11 Section 7. This act shall take effect upon becoming a
12 law.

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