

By Senator Carlton

24-1431-01

See HB 1855

1 A bill to be entitled
2 An act relating to the Holiday Park Park and
3 Recreation District, Sarasota County; amending,
4 codifying, reenacting, and repealing special
5 acts relating to the district; providing
6 boundaries of the district; providing for a
7 Board of Trustees; providing for election and
8 organization of the board; providing powers and
9 duties of the board; providing for a tax;
10 providing powers and duties of the district;
11 requiring a financial statement and budget;
12 providing definitions; requiring a record of
13 meetings of the board; providing for filling
14 vacancies; providing for bonds; providing for
15 severability; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Pursuant to section 189.429, Florida
20 Statutes, this act constitutes the codification of all special
21 acts relating to the Holiday Park Park and Recreation
22 District. It is the intent of the Legislature in enacting this
23 law to provide a single, comprehensive special act charter for
24 the district, including all current legislative authority
25 granted to the district by its several legislative enactments
26 and any additional authority granted by this act. It is
27 further the intent of this act to preserve all district
28 authority, including the authority to annually assess and levy
29 against the taxable property in the district a tax not to
30 exceed 0.2 mills on the dollar of assessed valuation.

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1 Section 2. Chapters 81-441, 82-380, and 87-445, Laws
2 of Florida, are codified, amended, reenacted, and repealed as
3 provided herein.

4 Section 3. The charter for the Holiday Park Park and
5 Recreation District is re-created and reenacted to read:

6 Section 1. Pursuant to chapter 81-441, Laws of
7 Florida, all of the residential land in Holiday Park
8 Subdivisions, City of North Port, Sarasota County, Florida,
9 hereinafter described, became and was incorporated into and as
10 a park and recreation district, being a special taxing
11 district, and a political subdivision of the State of Florida,
12 having the powers and duties herein set forth, under the name
13 of "Holiday Park Park and Recreation District." The granting
14 of said powers and duties to the district shall not in any way
15 diminish the powers and authority of the City of North Port.

16 Section 2. The lands so incorporated being described
17 as follows:

18
19 HOLIDAY PARK UNIT ONE, as per plat thereof
20 recorded in Plat Book 19, Pages 27 through 27G,
21 of the Public Records of Sarasota County,
22 Florida, and HOLIDAY PARK UNIT TWO, as per plat
23 thereof recorded in Plat Book 20, Pages 8
24 through 8N, of the Public Records of Sarasota
25 County, Florida.

26
27 Section 3. The business and affairs of said district
28 shall be conducted and administered by a board of nine
29 trustees, hereinafter referred to as the "trustees," who shall
30 organize by electing from their number a chair, a first vice
31 chair, a second vice chair, a secretary, and a treasurer after

1 each election. The meeting at which the trustees elect the
2 officers shall be called the "organizational meeting." Said
3 trustees shall not receive any compensation for their services
4 but shall be entitled to be reimbursed from funds of the
5 district for any authorized disbursements they may properly
6 incur on behalf of the district. Each trustee authorized to
7 sign checks of the district or otherwise designated to handle
8 its funds shall, before said trustee enters upon such duties,
9 execute to the Governor of the State of Florida, for the
10 benefit of said district, a good and sufficient bond approved
11 by a circuit judge of Sarasota County in the sum of \$10,000
12 with a qualified corporate surety conditioned to faithfully
13 perform the duties of such trustee and to account for all
14 funds that may come into his or her hands as trustee. All
15 premiums for such surety on all bonds shall be paid from the
16 funds of the district.

17 Section 4. All district elections shall be conducted
18 and supervised by the Supervisor of Elections in the County of
19 Sarasota, under the rules governing general elections in the
20 County of Sarasota, except as may otherwise be provided
21 herein. All elections shall be held at the Holiday Park
22 Recreation Hall in the district.

23 Section 5. Any registered voter residing in the
24 district may vote in a district election. Application for
25 absentee ballots may be requested from the Supervisor of
26 Elections of Sarasota County within 1 year prior to each
27 election, and shall be counted if received by the Supervisor
28 of Elections' office by 7:00 P.M. on the day of each such
29 election pursuant to the Florida Election Code. All election
30 ballots shall be prepared by the Supervisor of Elections of
31 the County of Sarasota. A person desiring to have the person's

1 name placed on the ballot for election as a trustee of the
2 district shall be a registered voter residing in the district
3 and a freeholder within the district and shall pay a filing
4 fee of \$25, or in the alternative, the person may qualify by
5 fulfilling the requirements of section 99.095, Florida
6 Statutes. Notice of said election setting forth the names of
7 the persons proposed as trustees of the district shall be
8 given by the district in writing addressed to each resident
9 within the district not less than 15 days before the date of
10 each election, and shall also be published one time at least
11 10 days prior to such election, in a newspaper of general
12 circulation published in the county, and if no newspaper is
13 published in the county, then they shall cause written or
14 printed notices of said election to be posted in five public
15 places within the district. Notwithstanding the provisions of
16 section 101.20, Florida Statutes, the publication of a sample
17 ballot is not required. The Supervisor of Elections of
18 Sarasota County shall appoint inspectors and clerks for the
19 election whose duties shall be the same as those of officers
20 in general elections, except as herein stated. The election
21 may be by ballot or by other electronic or electromechanical
22 voting system, and if by ballot the same shall be written or
23 printed in black ink on plain paper and shall be substantially
24 in the following form:

25
26 Board of Trustees of the Holiday Park Park and
27 Recreation District (stating their names)
28

29 and, if by other electronic or electromechanical voting
30 system, the requirements for the ballot herein described shall
31 be adapted to the use of such voting system. Election of

1 trustees shall be held annually on the second Tuesday of March
2 or, in the alternative, on another Tuesday in March in
3 conjunction with any other special, primary, or general
4 election to be conducted by the Supervisor of Elections, by
5 electing five trustees in even-numbered years and four
6 trustees in odd-numbered years for 2-year terms. In the March
7 2002 election, Seats #1, #3, #5, #7, and #9 shall be filled.
8 In the March 2003 election, Seats #2, #4, #6, and #8 shall be
9 filled. Trustees may succeed themselves in office. The term of
10 the newly elected trustees shall commence at the Board of
11 Trustees' organizational meeting, which shall be held within 7
12 days following the election. Trustees shall serve until their
13 successors take office, except as otherwise provided herein.
14 The trustees whose seats are filled pursuant to the trustees'
15 election in December 1999 (Seats #1, #3, #5, #7, and #9) shall
16 serve until their successors take office following the March
17 2002 trustees' election. The trustees whose seats are filled
18 pursuant to the trustees' election in December 2000 (Seats #2,
19 #4, #6, and #8) shall serve until their successors take office
20 following the March 2003 trustees' election.

21 Section 6. The Supervisor of Elections of Sarasota
22 County shall canvass the returns of the election and shall
23 announce the result thereof no later than the day following
24 the election. The expenses of the Supervisor of Elections for
25 conducting each election shall be paid out of general funds of
26 the district.

27 Section 7. The Board of Trustees shall have the right,
28 power, and authority to levy a special assessment known as a
29 "recreation district tax" against all taxable real estate
30 situated within said district for the purpose of providing
31 funds for the operation of the district. The trustees shall,

1 on or before August 1 of each year, by resolution fix the
2 amount of the assessment for the next ensuing fiscal year and
3 shall direct the Property Appraiser of Sarasota County to
4 assess and the Tax Collector of Sarasota County to collect
5 such tax as assessed upon each improved residential parcel of
6 property within the district. Prior to the adoption of the
7 resolution fixing the amount of the assessment, the trustees
8 shall hold a public hearing at which time property owners
9 within the district may appear and be heard. Notice of the
10 time and place of the public hearing shall be published once
11 in a newspaper of general circulation within the County of
12 Sarasota at least 21 days prior to the said public hearing.
13 The county Property Appraiser shall include on the Sarasota
14 County tax roll the special assessment for park and recreation
15 district benefits thus made by the Board of Trustees of the
16 district, and the same shall be collected in the manner and
17 form as provided for collection of county taxes. The offices
18 of the county Tax Collector and the county Property Appraiser
19 shall each receive compensation for their services regarding
20 such special assessments of 1 1/2 percent of the gross tax
21 receipts instead of the commissions and fees usually earned
22 for the assessment and collection of county taxes. Further,
23 the services of the Property Appraiser and the Tax Collector
24 under this act are hereby declared to be special services
25 performed directly for the district, and any payment therefor
26 shall not be personal income of such official but shall be
27 income to said official's office. After deducting therefrom
28 the said fees, the Tax Collector shall deposit the funds into
29 a depository designated by the Board of Trustees of the
30 district for the account of the district. For the purpose of
31 determining property subject to the district tax, an "improved

1 residential parcel" shall be construed to mean a platted lot
2 or lots on which a mobile home may be erected. The district
3 tax shall be levied against each lot or proportionally against
4 any fraction thereof which is part of an improved residential
5 parcel. The district tax shall not be an ad valorem tax but
6 rather shall be a unit tax assessed equally against all
7 improved residential parcels.

8 Section 8. The district may acquire and hold property,
9 sue and be sued, enter into contracts, and perform other
10 functions necessary or desirable to the carrying out of the
11 provisions and intent of this act. No debt shall be created
12 without the approval of the Board of Trustees.

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

19 Section 10. The proceeds of said tax and the funds of
20 the district shall be deposited in the name of the district in
21 a bank or savings and loan association or building and loan
22 association authorized to receive deposits of county funds,
23 which depository shall be designated by resolution of the
24 Board of Trustees. No funds of the district shall be disbursed
25 save and except by check or draft signed by the chair and
26 treasurer of the board or, in the absence of either, by
27 another trustee designated for that purpose by the board.

28 Section 11. All vacancies occurring in the Board of
29 Trustees from any cause shall be filled for the unexpired term
30 by the remaining trustees by the appointment of a successor
31 trustee or trustees from among the registered voters residing

1 in the district who are freeholders within said district. Any
2 trustee failing to discharge the duties of the trustee's
3 position may be removed for cause by the Board of Trustees,
4 after due notice and an opportunity to be heard upon charges
5 of malfeasance or misfeasance.

6 Section 12. The fiscal year of the district shall
7 commence October 1 of each year and end on September 30 of the
8 following year. The trustees shall, on or before April 1 of
9 each year, prepare an annual financial statement of income and
10 disbursements during the prior fiscal year. On or before July
11 1 of each year, the trustees shall prepare and adopt an
12 itemized budget showing the amount of money necessary for the
13 operation of the district for the next fiscal year and the
14 district tax to be assessed and collected upon the taxable
15 property of the district for the next ensuing year. Such
16 financial statement shall be published once during the month
17 of April each year in a newspaper of general circulation
18 within the County of Sarasota. A copy of said statement and a
19 copy of said budget shall also be furnished by mail to each
20 taxpayer within said district within 30 days of its
21 preparation and a copy made available for public inspection at
22 the principal office of the district at reasonable hours.

23 Section 13. The "property" of the district shall
24 consist of property and improvements now or hereafter erected
25 or purchased by the trustees for the district as well as any
26 other real or personal property which the trustees of the
27 district may, in their discretion, determine to be necessary
28 or convenient for the purposes of the district; in addition
29 thereto, for the comfort and convenience of taxpayers within
30 the district, the trustees may in their discretion assume the
31 cost of installing and maintaining entrance parkways and

1 street lighting within the district and may acquire and
2 dispose of any other facilities for the general purposes of
3 the district.

4 Section 14. Persons entitled to use the facilities and
5 property of the district shall be limited to property owners
6 within the district, their family members and guests, and to
7 such other persons and groups as the trustees may authorize
8 from time to time.

9 Section 15. The trustees shall supervise all real and
10 personal property owned by the district, and shall have the
11 following powers in addition to those already herein
12 enumerated:

13 (a) To negotiate purchases and to purchase real and
14 personal property on behalf of the district and to pay for
15 such purchases either with cash or by the issuance of bonds or
16 revenue certificates.

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

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

20 (d) To incur obligations on behalf of the district,
21 including the power to issue bonds, notes, and other evidence
22 of indebtedness of the district for the purpose of obtaining
23 funds for the operation of the district including the purchase
24 of lands, buildings, and other improvements; provided,
25 however, the aggregate amount of all obligations of the
26 district payable in any calendar year may not exceed the
27 aggregate amount of all revenue received by the district from
28 all sources during such calendar year; bonds, notes, or other
29 certificates of indebtedness issued by the district may be
30 secured by the pledge of tax revenues obtained by the district
31 as well as by mortgage of property owned by the district.

1 (e) To issue its bonds to finance, in whole or in
2 part, the cost of construction, acquisition, or improvement of
3 real and personal property of the district. The trustees, in
4 determining such costs, may include all costs and estimated
5 costs of the issuance of said bonds; all engineering,
6 inspection, fiscal, and legal expenses; all costs of
7 preliminary surveys, plans, maps, and specifications; initial
8 reserve funds for debt service; the costs of the services of
9 persons, firms, corporations, partnerships, or associations
10 employed, or consultants, advisors, engineers, or fiscal,
11 financial, or of other experts hired in the planning,
12 preparation, and financing of the district. The trustees are
13 hereby authorized to employ and to enter into agreements or
14 contracts with consultants, engineers, attorneys, and fiscal,
15 financial, or other experts for the planning, preparation, and
16 financing of the district, or any asset thereof, upon such
17 terms and conditions as the trustees shall deem desirable and
18 proper. The district may pledge to the punctual payment of
19 bonds or revenue certificates issued pursuant to this act, and
20 interest thereon, an amount of the revenue derived from the
21 facilities and services of the district, including
22 acquisitions, extensions, and improvements thereof sufficient
23 to pay said bonds and the interest thereon as the same shall
24 become due and to create and maintain reasonable reserves
25 therefor.

26 (f) To buy, sell, rent, or lease real and personal
27 property in the name of the district; to deliver purchase
28 money notes and mortgages or to assume the obligation of
29 existing mortgages in connection with the acquisition of
30 property of the district; and to receive gifts of real or
31 personal property.

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

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

6 (i) To regulate the use of roads within Holiday Park
7 Park and Recreation District by adoption of the provisions of
8 chapter 316, Florida Statutes, as currently enacted and
9 subsequently amended.

10 (j) To contract with the City of North Port, Florida,
11 for the enforcement of the provisions for the regulation of
12 the use of roads within Holiday Park Park and Recreation
13 District, as set forth in paragraph (i).

14 (k) To provide trash and garbage collection and cable
15 television or other centralized television antenna signals and
16 services for the benefit of all persons residing within the
17 district; to own, operate, and maintain the necessary
18 equipment and apparatus or to contract with others to provide
19 such services; and to hold such franchises as may be necessary
20 or desirable to provide such services.

21 Section 16. The construction, acquisition, or
22 improvement of real or personal property of the district, or
23 the refunding of any bonds or other obligations issued for
24 such purposes, may be authorized under this act. Bonds may be
25 authorized to be issued under this act to provide funds for
26 such purposes by resolution or resolutions of the Board of
27 Trustees, which may be adopted at the same meeting at which
28 they were introduced and may be adopted by a majority of the
29 members thereof, and shall take effect immediately upon
30 adoption and need not be published or posted. Said bonds shall
31 bear interest at a rate pursuant to section 215.84, Florida

1 Statutes, payable semiannually, may be in one or more series,
2 may bear such date or dates, may mature at such time or times
3 not exceeding 40 years from their respective dates, may be
4 made payable in such medium of payment, at such place, within
5 or without the state, may carry such registration privileges,
6 may be subject to such terms of redemption, with or without
7 premium, may be executed in such manner, may contain such
8 terms, covenants, and conditions, and may be in such form,
9 either coupon or registered, as such resolution or subsequent
10 resolution may provide. Said bonds may be sold all at one time
11 or in blocks from time to time, at public or private sale, or
12 if refunding bonds, may also be delivered and exchanged for
13 the outstanding obligations to be refunded thereby, in such
14 manner as the Board of Trustees shall determine by resolution,
15 and at such price or prices computed according to standard
16 tables of bond value as will yield to the purchasers or the
17 holders of the obligations surrendered in exchange in the case
18 of refunding bonds, income at a rate pursuant to section
19 215.84, Florida Statutes, to the maturity dates of the several
20 bonds so sold or exchanged on the money paid or the principal
21 amount of obligations surrendered therefor to the district.
22 Pending the preparation of the definitive bonds, interim
23 certificates or receipts or temporary bonds in such form and
24 with such provisions as the Board of Trustees may determine
25 may be issued to the purchaser or purchasers of the bonds sold
26 pursuant to this act. Said bonds, and such interim
27 certificates or receipts or temporary bonds, shall be fully
28 negotiable.
29 Section 17. A record shall be kept of all meetings of
30 the Board of Trustees and in such meetings a concurrence of a
31 majority of said trustees shall be necessary to any

1 affirmative action taken by the board. Said Board of Trustees
2 may adopt such rules and regulations, not inconsistent with
3 any portion of this act, as it may deem necessary or
4 convenient in and about the transaction of its business and in
5 carrying out the provisions of this act.

6 Section 18. For the general purposes of this act, each
7 parcel of property in said district is hereby declared to be
8 uniformly and generally benefitted by the provisions hereof.

9 Section 19. The district hereby created may be
10 abolished by a majority vote of the registered voters residing
11 in the district at an election called by the Board of Trustees
12 of the district for such purpose, which election shall be held
13 and notice thereof given under the same requirements as are
14 set forth hereunder for the election of trustees and the
15 levying and collecting of the district tax, provided that the
16 district shall not be abolished while it has outstanding
17 indebtedness without first making adequate provision for the
18 liquidation of such outstanding indebtedness.

19 Section 20. Trustees not guilty of malfeasance in
20 office shall be relieved of any personal liability for any
21 acts done by them while holding office in the district. Any
22 trustee who is made a party to any action, suit, or proceeding
23 solely by reason of holding office in the district shall be
24 indemnified by the district against reasonable expenses,
25 including attorney's fees incurred by said trustee in
26 defending such suit, action, or proceeding, except with
27 respect to matters wherein it shall be adjudged in such
28 proceeding that such trustee is liable for negligence or
29 misconduct in the performance of the trustee's duties.

30 Section 21. The word "district" shall mean the
31 political subdivision of the State of Florida and special park

1 and recreation district hereby organized. The words "board,"
2 "trustees," and "Board of Trustees" shall mean the Board of
3 Trustees of and for the special park and recreation district
4 hereby created when used in this act, unless otherwise
5 specified.

6 Section 22. Notwithstanding any provisions to the
7 contrary, as may now appear in sections 8, 13, or 15, the
8 trustees of Holiday Park Park and Recreation District shall
9 not enter into any future contracts involving the purchase,
10 lease, conveyance, or other manner of acquisition of real or
11 tangible personal property in any instance when the cost,
12 price, or consideration therefor exceeds \$40,000, including
13 all obligations, proposed to be assumed in connection with
14 such acquisition, unless:

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

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

20 (2) Within not less than 30 days nor more than 60 days
21 of the date of the resolution, the trustees certify the
22 resolution to the Supervisor of Elections of Sarasota County
23 for a referendum election; and

24 (3) The registered voters residing in the district
25 approve the resolution by a majority vote of said voters in a
26 referendum election in which the qualifications of voters,
27 notice, and procedure shall be the same as set forth herein
28 for the election of trustees and for special referendum
29 elections.

30 Section 23. If any clause, section, or provision of
31 this act shall be declared to be unconstitutional or invalid

1 for any cause or reason, the same shall be eliminated from
2 this act, and the remaining portion of said act shall be in
3 force and effect and be as valid as if such invalid portion
4 thereof had not been incorporated therein.

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

7 Section 25. The provisions of this act shall be
8 liberally construed in order to effectively carry out the
9 purposes of this act in the interest of the public.

10 Section 4. Chapters 81-441, 82-380, and 87-445, Laws
11 of Florida, are repealed.

12 Section 5. This act shall take effect upon becoming a
13 law.

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