

By Representative Kendrick

1 A bill to be entitled
2 An act relating to the Dog Island Conservation
3 District, Franklin County; providing for
4 codification of special laws relating to the
5 Dog Island Conservation District; providing
6 legislative intent; codifying and reenacting
7 chapters 75-374, 79-461, and 84-430, Laws of
8 Florida; providing for the repeal of all prior
9 special acts related to the Dog Island
10 Conservation District; providing an effective
11 date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Intent.--Pursuant to section 189.429,
16 Florida Statutes, this act constitutes the codification of all
17 special acts relating to the Dog Island Conservation District,
18 an independent special district and political subdivision of
19 the State of Florida. It is the intent of the Legislature in
20 enacting this law to provide a single, comprehensive special
21 act charter for the district, including all current
22 legislative authority granted to the district by its several
23 legislative enactments and any additional authority granted by
24 this act. It is further the intent of this act to preserve all
25 district authority.

26 Section 2. Codification.--Chapters 75-374, 79-461, and
27 84-430, Laws of Florida, are codified, reenacted, amended, and
28 repealed as herein provided.

29 Section 3. The Dog Island Conservation District is
30 re-created and the charter for such district is re-created and
31 reenacted to read:

1 Section 1. Legislative intent.--The Legislature finds
2 and declares that the provisions of this act are desirable to
3 guide and accomplish the coordinated, balanced, and harmonious
4 development of Dog Island in Franklin County, in accordance
5 with existing and future needs, to promote the health, safety,
6 and general welfare of the area and its inhabitants, visitors,
7 and property owners, to establish, maintain, and preserve
8 aesthetic values and preserve and foster the development and
9 display of attractiveness, and to prevent congestion and the
10 destruction of natural beauty.

11 Section 2. Creation of district.--There is created in
12 Franklin County a special district to be known as the Dog
13 Island Conservation District. The district shall include all
14 that portion of Dog Island located in said county east of the
15 westernmost boundary of that section of the island known as
16 Cannon Ball Acres or more specifically described as a line
17 running North 04° 29' 24" W. for 70.49 feet from the CMF
18 marking the West Boundary of Cannon Ball Acres, Lot 34
19 (unrecorded Sub.) set by Robert A. Bannerman, P.L.S. FLA Cert.
20 No. 3214, and a line running into said CMF marking at N. 05°
21 39' 16" W. of 144.76 feet.

22 Section 3. Members; election.--

23 (1) The governing body of the district shall be the
24 Dog Island Conservation Board consisting of five members, each
25 of whom shall be a citizen of the United States and the owner
26 of the fee simple title to real estate located in the
27 district.

28 (2) The members of the board shall serve for a term of
29 2 years and until the election and qualification of their
30 successors. The terms of two members of the board shall expire
31 in odd-numbered years, and the terms of three members of the

1 board shall expire in even-numbered years. The board shall
2 formulate procedures whereby all residents and all freeholders
3 of property in the district as indicated upon the county tax
4 rolls may participate in the election of the members of the
5 board by mail.

6 Section 4. Powers of board.--The Dog Island
7 Conservation Board is authorized and empowered:

8 (1) To sue and be sued.

9 (2) To contract.

10 (3) To adopt and use a common seal and alter the same
11 at pleasure.

12 (4) To purchase, hold, lease, sell, or otherwise
13 acquire and convey such real and personal property, and
14 interest therein, as may be necessary or proper to carry out
15 the purposes of this act.

16 (5) To make rules for its own government and
17 proceedings.

18 (6) To employ engineers, attorneys, accountants,
19 financial or other consultants, and such other agents and
20 employees as the board may require or deem necessary to
21 accomplish the purposes of this act or to contract for any of
22 such services.

23 (7) To supplement the general governmental powers of
24 the Board of County Commissioners of Franklin County by
25 constructing, operating, and maintaining the following
26 specialized public functions or services within the Dog Island
27 Conservation District:

28 (a) To construct, reconstruct, improve, extend,
29 enlarge, repair, and maintain public roads within the
30 district;

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- 1 (b) To establish set-back requirements for coastal
2 construction, which may be more restrictive than those
3 established pursuant to general law;
- 4 (c) To develop and execute plans for beach erosion
5 prevention and control, and restoration and control of the
6 activities relating to the use and maintenance of the beaches
7 and sand dunes which may be important to their preservation
8 and enjoyment, provided that nothing contained herein shall be
9 construed to confer the authority to prohibit or restrict the
10 use of the public beaches for the purpose of commercial
11 fishing;
- 12 (d) To establish and maintain such other programs and
13 projects as may be appropriate to the maintaining of the
14 natural beauty and terrain and enjoyment of the lands of Dog
15 Island lying within the district;
- 16 (e) To develop and control recreational facilities on
17 the island;
- 18 (f) To plan, develop, and implement insect control and
19 eradication programs;
- 20 (g) To plan, develop, implement, and construct garbage
21 disposal facilities and programs and to require the use
22 thereof and to regulate waste disposal;
- 23 (h) To plan, develop, and implement programs for
24 transportation services on the island and to and from the
25 mainland; and
- 26 (i) To plan, develop, and implement programs and
27 systems relating to sanitary sewer service and water supply.
- 28 (8) To acquire, construct, operate, maintain, equip,
29 extend, enlarge, or improve capital projects within or without
30 the special district for the purpose of enabling the special
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- 1 district to perform the specialized public functions or
2 services as herein provided.
- 3 (9) To issue ad valorem bonds, revenue bonds, special
4 assessment bonds or combinations thereof, to finance the cost
5 of such capital projects, in accordance with the procedures
6 for issuing such revenue or assessment bonds, and levying such
7 special assessments as are set forth in chapters 159 and 170,
8 Florida Statutes, respectively.
- 9 (10) To levy and assess ad valorem taxes authorized by
10 law in an amount not in excess of 5 mills on the dollar of the
11 nonexempt assessed value of the property within the district.
- 12 (11) To levy and assess ad valorem taxes authorized by
13 law to pay the cost of such specialized public functions or
14 services which are municipal services within the measuring of
15 Section 9(b) of Article VII of the State Constitution.
- 16 (12) To fix and collect rates, fees, and other charges
17 for the specialized public functions or services authorized by
18 this act.
- 19 (13) To levy and collect special assessments.
- 20 (14) To restrain, enjoin, or otherwise prevent the
21 violation of this act or of any resolution or rule adopted
22 pursuant to the powers granted by this act.
- 23 (15) To join with any other district or districts,
24 cities, towns, counties, or other political subdivisions,
25 public agencies or authorities in the exercise of common
26 powers, and to contract with municipalities or other private
27 or public corporations or persons to provide or receive such
28 specialized public functions or services.
- 29 (16) To require and enforce the use of its facilities
30 whenever and wherever they are accessible.
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1 (17) Subject to such provisions and restrictions as
2 may be set forth in the resolution authorizing or securing any
3 bonds or other obligations issued under the provisions of this
4 act, to enter into contract with the government of the United
5 States or any agency or instrumentality thereof, or with any
6 county, municipality, district, authority, or political
7 subdivision, private corporation, partnership, association, or
8 individual to effect the purposes of this act and to receive
9 and accept from any federal agency, grants or loans for or in
10 aid of the performance by the special district of the
11 specialized public functions or services authorized herein.

12 (18) To accept grants and donations of any type of
13 property, labor, or other thing of value from any public or
14 private source.

15 (19) To receive the proceeds of any ad valorem taxes
16 hereby authorized.

17 (20) To receive the revenues from any property or
18 facility owned, leased, licensed, or operated by it or under
19 its control, subject to the limitations imposed upon it by
20 trust or other agreements validly entered into by it.

21 (21) To have exclusive control of funds legally
22 available to it, subject only to limitations imposed upon it
23 by general law or by any agreement validly entered into by it.

24 (22) To issue and sell revenue certificates.

25 (23) To borrow money on its unsecured notes for a
26 period not exceeding 12 months in an aggregate amount for all
27 outstanding unsecured notes not exceeding 50 percent of the
28 unpledged proceeds received during the immediately prior
29 fiscal year from the tax hereby imposed, and at an annual rate
30 of interest not exceeding the rate being charged at the time
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1 of loan by banks in Franklin County on unsecured short-term
2 loans to local businesses.

3 (24) To employ and prescribe the duties, authority,
4 compensation, and reimbursement of expenses of an executive
5 director of the board who shall act as its chief executive
6 officer.

7 (25) To employ a general counsel, who shall be a
8 member of The Florida Bar, and to employ such other personnel
9 as may be necessary from time to time. Personnel of the board
10 shall not be under any civil service regulations and shall be
11 employed to serve at the pleasure of the board.

12 (26) To exercise all powers incidental to the
13 effective and expedient exercise of the foregoing powers to
14 the extent not in conflict herewith or inconsistent herewith.

15 Section 5. Assessment of ad valorem taxes.--

16 (1) No ad valorem taxes may be levied and assessed
17 until a referendum is held approving the same.

18 (2) The maximum ad valorem tax which may be levied on
19 an annual basis shall be 5 mills.

20 (3) The board shall meet, establish a budget, and
21 annually determine the necessary millage to be requested. All
22 freeholders of property within the district as indicated upon
23 the county tax rolls and persons residing within the district
24 who are otherwise qualified electors shall be entitled to vote
25 in the referendum to approve the millage, which referendum
26 may, within the discretion of the board, be conducted by mail.
27 If the referendum approves the millage that shall be the
28 millage for the district until such time as it is either
29 increased or reduced again by referendum.

30 (4) The millage as so determined shall be certified to
31 the Board of County Commissioners of Franklin County by the

1 board, as provided by general law. Taxes shall be assessed and
2 collected by Franklin County based upon the assessed values of
3 the property as determined by the Franklin County Property
4 Appraiser. The proceeds of the tax shall be collected and paid
5 to the board for the exclusive use of the board within the
6 taxing district. Such funds shall be deposited in a bank or
7 banks in Franklin County and shall be administered and
8 disbursed only in accordance with the purposes of this act.

9 (5) If a referendum relating to the assessment of ad
10 valorem taxes does not pass, no referendum relating to such
11 assessment of ad valorem taxes shall be held again until a
12 period of time of not less than 6 months shall have elapsed
13 from the date of the last referendum relating thereto.

14 Section 6. Financial provisions.--

15 (1) All disbursements of funds must be approved by the
16 board and all checks or drafts expending such funds must be
17 signed by the chair of the board and countersigned by the
18 treasurer.

19 (2) The fiscal year of the district shall coincide
20 with that of Franklin County.

21 Section 7. Annual meeting.--An annual meeting of the
22 district shall be held in each year during the weekend
23 immediately preceding the Labor Day holiday. The date, hour,
24 and place of the meeting shall be determined within the
25 discretion of the board, provided that the annual meeting
26 shall be held within the limits of the district.

27 Section 8. Minutes, records, etc.--The bylaws of the
28 board shall provide for the maintenance of minutes and other
29 official records of its proceedings and actions, for the
30 preparation and adoption of an annual budget for each ensuing
31 fiscal year, for internal supervision and control of its

1 accounts, and for an external audit at least annually by an
2 independent certified public accountant who has no personal
3 interest, direct or indirect, in its fiscal affairs. A copy of
4 the external audit shall be filed with the Franklin County
5 Commission within 90 days after the end of each fiscal year.
6 The bylaws shall specify the means by which each of these
7 functions is to be performed and as to those functions
8 assigned to board personnel, the manner and schedule of
9 performance.

10 Section 9. Impairment of bond holders' rights.--It is
11 the intention of the Legislature that this act shall not be
12 amended in the future in any manner which will repeal, impair,
13 or amend in any manner the rights of the holders of any bonds
14 issued by the district or the security of the funds which may
15 be pledged to the payment of principal and interest on bonds
16 issued pursuant to the provisions of this act.

17 Section 10. Persons deemed to hold fee simple interest
18 and be freeholders.--Any person holding an interest in the
19 title to real property located within the district pursuant to
20 a recorded contract for deed which requires such person to pay
21 the ad valorem taxes on the property shall be deemed for the
22 purpose of this act to hold a fee simple interest in such real
23 property and to be a freeholder.

24 Section 4. Repeal of prior special acts.--Chapters
25 75-374, 79-461, and 84-430, Laws of Florida, are repealed.

26 Section 5. Severability.--If any provision of this act
27 or the application thereof to any person or circumstance is
28 held invalid, the invalidity shall not affect other provisions
29 or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the
31 provisions of this act are declared severable.

1 Section 6. Effect of conflict.--In the event of a
2 conflict between the provisions of this act and the provisions
3 of any other act, the provisions of this act shall control to
4 the extent of such conflict.

5 Section 7. This act shall take effect upon becoming a
6 law.

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