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An act relating to the Municipal Service District of Ponte Vedra Beach, St. Johns County; amending chapter 82-375, Laws of Florida, as amended; providing for District Trustees to notify the Board Chair and Governor in the case of resignation; providing for a notice of a vacancy in the Board of Trustees; providing for appointment of a District Trustee in case of vacancy; providing for creation of subdistricts; providing for taxation of subdistricts; providing that expenditures over a certain amount on capital projects must be approved by electors of the district; providing a limit on amount that may be spent on an unbudgeted capital project; providing a definition; providing for public hearings for proposed amendments to the act every 10 years; providing for a referendum; providing an effective date.

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

Section 1. Section 2 of chapter 82-375, Laws of Florida, as amended by chapter 90-463, Laws of Florida, is amended to read:

Section 2. The following is the charter of the Municipal Service District of Ponte Vedra Beach:

(1) The purpose of the district is to provide services to the public of the district independent of, as well as

1 supplemental to, those services provided by St. Johns County  
2 and in cooperation with the function of the county.

3 (2)(a) The governing body of the district shall  
4 consist of a board of seven District Trustees. The original  
5 Board of District Trustees shall consist of seven persons  
6 residing within the district who are qualified electors of the  
7 State of Florida.

8 (b) At the 1990 general election, seven District  
9 Trustees shall be elected by the qualified voters of the  
10 district, with three for 2-year terms and four for 4-year  
11 terms, and they shall be elected to serve until their  
12 successors are elected and qualified. The seats shall be  
13 numbered consecutively one through seven. In the 1990 general  
14 election, the odd numbered seats shall be elected for terms of  
15 4 years, the even numbered seats for terms of 2 years. The  
16 term of office of the District Trustees elected at each  
17 succeeding election shall be 4 years. To be eligible for  
18 election, a person must reside in the district and be  
19 qualified to vote in the district. A trustee may not serve  
20 more than two consecutive 4-year terms.

21 (c) District Trustee candidates seeking election may  
22 qualify anytime after noon on the 50th day prior to the first  
23 primary, but not later than noon on the 46th day prior to the  
24 date of the first primary by filing, without political party  
25 affiliation, with the St. Johns County Supervisor of  
26 Elections, a petition upon a form approved by the supervisor  
27 of elections in accordance with rules adopted by the Division  
28 of Elections and signed by not less than 25 eligible voters  
29 within the district. Candidates shall specify the seat which  
30 they seek by number. The district shall pay all costs of the  
31 district elections.

1           (d) In all elections for District Trustees, which  
2 shall be held in conjunction with the first primary and  
3 general election, qualified voters shall be persons who reside  
4 within the district who are qualified to vote in any general  
5 or special election.

6           (e) Each District Trustee elected pursuant to this  
7 section shall take office at the same time as members of the  
8 Board of County Commissioners. Each District Trustee, before  
9 entering upon his duties, shall take and subscribe to the oath  
10 or affirmation required by the State Constitution.

11           (f) Any District Trustee may be removed from office by  
12 the Governor for misfeasance, malfeasance, or willful neglect  
13 of duty. In the event of a vacancy in office due to any  
14 cause, the Governor shall appoint a qualified successor  
15 District Trustee to hold office until the next ensuing general  
16 election. A District Trustee who voluntarily resigns his  
17 position shall notify the Board Chair and the Governor of said  
18 resignation. Upon receipt of notice of a vacancy in any  
19 District Trustee position, the remaining District Trustees  
20 shall cause a notice of such vacancy to be published in a  
21 newspaper of general circulation in the County and a newspaper  
22 circulated within the Ponte Vedra Community, not later than 14  
23 days following receipt of notification of a vacancy for any  
24 reason. The Governor shall not appoint a successor District  
25 Trustee until publication of the notice of said vacancy by the  
26 District.

27           (3)(a) The District Trustees from their number shall  
28 annually elect a Chairman, Vice Chairman, and Treasurer, and  
29 shall appoint a Secretary who shall serve at the pleasure of  
30 the District Trustees. The Secretary, who shall not be a  
31 District Trustee, shall receive such compensation as may be

1 fixed by the Board of District Trustees, and shall be the  
2 custodian of all books and records of the district. The first  
3 meeting in January of each year shall be the Board of District  
4 Trustees' organizational meeting.

5 (b) The Board of District Trustees shall meet at least  
6 once a month at a time, date, and place established by the  
7 District Trustees. All meetings shall be held at a public  
8 place within the district, or outside the district within 1  
9 mile of the boundary of the district, and shall be open to the  
10 public. The board shall give reasonable notice of all of its  
11 meetings. The board shall keep a record of its meetings, and  
12 the record must be available for public inspection.

13 (c) Four District Trustees shall constitute a quorum  
14 at Board of District Trustees' meetings. The affirmative vote  
15 of a majority of the District Trustees present shall be  
16 necessary for any action taken by the District Trustees;  
17 however, no vacancy in the membership of the District Trustees  
18 shall impair the right of a quorum to exercise all of the  
19 rights and perform all of the duties hereunder.

20 (d) No District Trustee shall receive compensation,  
21 but each District Trustee shall be paid his necessary expenses  
22 incurred while engaged in the performance of his duties as  
23 prescribed by state statutes.

24 (e) The St. Johns County Tax Collector shall be  
25 ex-officio tax collector for the district and the St. Johns  
26 County Supervisor of Elections shall be the ex-officio  
27 supervisor of elections of the district.

28 (f) The Board of District Trustees may appoint such  
29 other officers of the district as it deems appropriate and  
30 necessary.

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1           (g) Subdistricts may be created within the district in  
2 order to provide localized public services. Such subdistricts  
3 may be created by formal resolution of the Board of District  
4 Trustees, at its discretion, at a regularly scheduled meeting  
5 upon receipt by the District Trustees of verified petition(s)  
6 signed by at least 2/3 of the registered voters residing in  
7 the proposed subdistrict who are qualified to vote in any  
8 general or special election, identifying the boundaries of  
9 said subdistrict, specifying a project or service requiring  
10 establishment of the subdistrict, and including an estimate of  
11 the cost thereof prepared by a qualified professional.  
12 Creation of said subdistrict is further conditioned upon a  
13 determination by the District Trustees that the service or  
14 function is within the services and functions authorized  
15 herein for the District Trustees, and that the service or  
16 function will uniquely benefit the residents of said  
17 subdistrict. The Board of District Trustees may, at its  
18 discretion, set a separate ad valorem tax rate for the  
19 subdistrict, providing that the special levy combined with the  
20 general levy for the entire district does not exceed the  
21 millage limitation set forth in subsection (4)(j) herein.~~Upon~~  
22 ~~determination by the Board of District Trustees at a regularly~~  
23 ~~scheduled meeting that certain areas within the district do~~  
24 ~~not receive equal benefit for taxes levied, the board may by~~  
25 ~~formal resolution create a subdistrict within the district for~~  
26 ~~the purpose of levying a uniform tax rate within the~~  
27 ~~subdistrict different from the rate within the district.~~  
28 ~~However, the tax rate in any subdistrict shall never exceed~~  
29 ~~the general rate set for the district.~~

30           (4) The district is authorized and empowered:

31           (a) To sue and be sued;

1 (b) To contract;

2 (c) To adopt and use a common seal and alter the same  
3 at pleasure;

4 (d) To purchase, hold, lease, sell, or otherwise  
5 acquire and convey such real and personal property and  
6 interest therein as may be necessary or proper to carry out  
7 the purpose of this act;

8 (e) To make rules and regulations for its own  
9 government and proceedings;

10 (f) To employ engineers, attorneys, accountants,  
11 financial, or other consultants and such other agents and  
12 employees as the Board of District Trustees may require or  
13 deem necessary to accomplish the purposes of this law, or to  
14 contract for any such services;

15 (g) To supplement within the district the performance  
16 of the following specialized services and functions of the  
17 Board of County Commissioners of St. Johns County:

18 1. The provision of personnel, equipment, and  
19 facilities for civil defense, emergency ambulance and rescue  
20 service, or funds therefor;

21 2. Parking restrictions and traffic control;

22 3. Refuse collection and disposal;

23 4. Beautification;

24 5. Cable television;

25 6. Fire protection;

26 7. Utilities, including, but not limited to, sewage,  
27 water, and lighting; and

28 8. Recreation facilities.  
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1 All rules and regulations of the district dealing with parking  
2 restrictions and traffic control shall be adopted in  
3 conformity with chapter 316, Florida Statutes.

4 (h) To acquire, construct, operate, maintain, equip,  
5 improve, extend, enlarge, or improve capital projects within  
6 or without the district for the purposes of enabling the  
7 district to perform the specialized public functions or  
8 services as herein provided. However, expenditures on any  
9 individual capital project, including acquisition of real or  
10 personal property, that exceeds a total cost of \$150,000 must  
11 first be approved by a voting majority of qualified voters in  
12 the district. The Board of District Trustees shall determine  
13 the method to be used to determine whether voters approve a  
14 capital expenditure or expenditures exceeding \$150,000 and  
15 approval of a majority of those voters participating in or  
16 responding to the method used by the District Trustees to  
17 decide the issue shall be sufficient to approve expenditure of  
18 funds exceeding \$150,000 for the project. Whatever method is  
19 used to determine voter approval of such expenditure, the  
20 District Trustees in presenting the issue to be decided shall  
21 generally describe the project to be undertaken by the  
22 expenditure and the estimated cost thereof. In addition, the  
23 Board of District Trustees shall not expend more than \$50,000  
24 from contingency reserves for any unbudgeted capital project  
25 in any fiscal year;

26 (i) To issue tax anticipation notes and revenue  
27 certificates secured only by the anticipated revenues of the  
28 district;

29 (j) To levy and assess ad valorem taxes to pay the  
30 cost of such specialized public functions or services  
31 authorized in this act; however, such rate of taxation may not

1 exceed three mills, provided that such rate of taxation may  
2 not exceed one mill unless such rate is approved by a majority  
3 vote of the qualified electors of the district voting at an  
4 election called by the District Trustees;

5 (k) To fix and collect rates, fees, and other charges  
6 for the specialized public functions or services authorized by  
7 this act;

8 (l) To restrain, enjoin, or otherwise prevent the  
9 violation of this act or of any resolution or rule adopted  
10 pursuant to the powers granted by this act;

11 (m) To join with any other district, municipality,  
12 county, or other political subdivision, public agency, or  
13 authority in the exercise of common powers;

14 (n) To contract with municipalities or other private  
15 or public corporations or persons to provide or receive such  
16 specialized public functions or services, including by way of  
17 nonexclusive franchise;

18 (o) To enter into contracts with the government of the  
19 United States or any agency or instrumentality thereof, or  
20 with any state, county, municipality, district, authority, or  
21 political subdivision, private corporation, partnership,  
22 association, or individual to effect the purposes of this act,  
23 and to receive and accept from any state or federal agency,  
24 grants or loans for or in aid of the specialized public  
25 functions or services authorized herein;

26 (p) To provide a police department, consisting of one  
27 or more police officers with full arrest powers, together with  
28 necessary administrative personnel, facilities, and equipment,  
29 in addition to and independent of any law enforcement services  
30 provided by the Sheriff of St. Johns County. Persons employed  
31 by the district as law enforcement officers must meet the



1 qualifications and standards prescribed by general law for  
2 such employment;

3 (q) To contract with the Sheriff of St. Johns County  
4 to provide law enforcement services supplemental to those  
5 services provided by the Sheriff of St. Johns County; and

6 (r) To issue bond anticipation notes and revenue bonds  
7 in the manner provided by general law for the issuance of  
8 revenue bonds and notes by counties to finance projects of the  
9 district. Revenue bonds and notes shall be, and shall be  
10 deemed to be, for all purposes, negotiable instruments,  
11 subject only to the provisions of the revenue bonds and notes  
12 for registration.

13 (5) "Contingency reserves," defined as the amount of  
14 funds remaining at the end of the fiscal year less the amount  
15 required to operate the district at the beginning of the next  
16 fiscal year, shall not exceed \$200,000 in any fiscal year. Any  
17 amount of contingency reserves exceeding \$200,000 at the end  
18 of any fiscal year must be used to reduce the ad valorem tax  
19 levy for the entire district for the following fiscal year.

20 ~~(6)(5)~~ The creation and existence of the district  
21 shall not affect the obligations and responsibilities of St.  
22 Johns County as to the area encompassed by the district.

23 ~~(7)(6)~~ The charter of the district may be amended, and  
24 the district may be dissolved, only by law.

25 ~~(8)(7)~~ The debts of the district shall not constitute  
26 a debt of St. Johns County or the State of Florida and shall  
27 not be construed to constitute a lien on any real or personal  
28 property or income of the county or state. The debts of the  
29 district are the sole responsibility of the district.

30 ~~(9)(8)~~ The district may not rescind or modify any  
31 contracts, franchises, or ordinances of St. Johns County, and

1 the county shall not have the power to rescind or modify any  
2 validly enacted contracts or franchises or ordinances of the  
3 district. However, no act, franchise, or regulation of the  
4 district shall be deemed to prevent the county from acting,  
5 granting franchises, levying taxes, or regulating similar or  
6 the same subject matter within the district.

7 (10)~~(9)~~ Unless specifically reserved in this act, St.  
8 Johns County shall have no power of review over validly  
9 enacted fees, charges, and rules of the district that are  
10 enacted pursuant to this act, but to the extent that such  
11 fees, charges, or rules are in conflict with an ordinance,  
12 franchise, charge, fee, regulation, or rule of the county  
13 which also affects areas which are not within the boundaries  
14 of the district, such fees, charges, or rules, are void.

15 (11)~~(10)~~ Any person who is authorized by the district  
16 to write checks or otherwise receive, expend, or handle  
17 district funds shall be bonded at the district's expense by a  
18 good and sufficient fidelity bond in at least the amount of  
19 \$25,000.

20 (12)~~(11)~~ The district shall be audited annually at its  
21 expense. The district shall comply with financial disclosure  
22 and reporting requirements imposed by general law, including  
23 chapter 189, Florida Statutes.

24 (13)~~(12)~~ For planning and budget purposes, the fiscal  
25 year of the district shall commence on October 1 of each year  
26 and end on September 30 of the succeeding year.

27 (14)~~(13)~~ The budget of the district is not subject to  
28 approval by the Board of County Commissioners of St. Johns  
29 County.

30 (15) The District Trustees shall conduct a public  
31 hearing to review and consider proposed amendments to this act

1 every 10 years following adoption of this act as amended,  
2 provided this does not preclude the District Trustees at their  
3 discretion from reviewing this act at other times.

4           Section 2. This section shall take effect upon  
5 becoming a law. Section 1 of this act shall take effect on  
6 October 1, 2002, if approved by a majority vote of the  
7 electors voting at an election called by the District Trustees  
8 and held in conjunction with the first primary election in  
9 2002. A person is eligible to vote at such election if he or  
10 she is a qualified elector of the county and resides within  
11 the boundaries of the Municipal Service District of Ponte  
12 Vedra Beach. The question presented at such election shall be  
13 substantially in the following form:

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15           Do you favor amending the Ponte Vedra Municipal Service  
16 District charter to provide for:

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18           (1) Reducing the ability of the District Trustees to  
19 levy ad valorem taxes to one mill, unless voters approve an  
20 expenditure of greater than one mill, up to the maximum of  
21 three mills already authorized in the charter;

22           (2) A \$150,000 limit on capital expenditures for a  
23 single project by District Trustees unless a voting majority  
24 of district voters approve expenditure of a greater amount;

25           (3) A limit of \$200,000 on the amount of contingency  
26 reserves that may be budgeted by the District Trustees in any  
27 fiscal year and requiring that contingency reserves exceeding  
28 \$200,000 be used to reduce ad valorem taxes in the following  
29 fiscal year;

30           (4) A prohibition on expenditure of more than \$50,000  
31 on unbudgeted capital projects from contingency reserves;

1           (5) Discretion for the District Trustees to establish  
2 subdistricts having a tax rate greater than the general rate,  
3 upon petition for a single project signed by 2/3 of registered  
4 voters within a proposed subdistrict;

5           (6) A notification process for vacancies in District  
6 Trustee positions; and

7           (7) Mandatory review by the District Trustees of the  
8 charter once every 10 years.

9

10           ..... FOR the amendments

11           ..... AGAINST the amendments

12

13 If section 1 of this act is not approved by a majority vote of  
14 the electors voting at the election required by this section,  
15 chapter 90-463, Laws of Florida, shall remain in effect.

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