

By Senator Miller

21-1530-02

See HB

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A bill to be entitled

An act relating to Bayshore Gardens Park and Recreation District, Manatee County; providing for codification; providing legislative intent; providing district status and boundaries; providing for applicability of chapters 418 and 189, Florida Statutes, and other general laws; providing a district charter; providing for liberal construction; providing for severability; repealing chapters 79-509 and 97-357, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Bayshore Gardens Park and Recreation District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 79-509 and 97-357, Laws of Florida, relating to the Bayshore Gardens Park and Recreation District, are codified, reenacted, amended, and repealed as herein provided.

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

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

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

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

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

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

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

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1 Bayshore Gardens Subdivision, Section 5, as
2 recorded in Plat Book 10, Pages 17 and 18, of
3 the Public Records of Manatee County, Florida,
4 less Lot 1.
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6 Bayshore Gardens Subdivisions, Section 3
7 (Replat of Blocks K, L, and M), as recorded in
8 Plat Book 10, Page 38, of the Public Records of
9 Manatee County, Florida.
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11 Bayshore Gardens Subdivisions, Section 9A, as
12 recorded in Plat Book 10, Page 83 and 84, of
13 the Public Records of Manatee County, Florida.
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15 Bayshore Gardens Subdivisions, Section 9B, as
16 recorded in Plat Book 11, Page 2, of the Public
17 Records of Manatee County, Florida.
18
19 Bayshore Gardens Subdivisions, Section 9C, as
20 recorded in Plat Book 11, Page 3, of the Public
21 Records of Manatee County, Florida.
22
23 Bayshore Gardens Subdivisions, Section 9D, as
24 recorded in Plat Book 11, Page 4, of the Public
25 Records of Manatee County, Florida.
26
27 Bayshore Gardens Subdivisions, Section 9F, as
28 recorded in Plat Book 11, Page 5, of the Public
29 Records of Manatee County, Florida.
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1 Bayshore Gardens Subdivisions, Section 9G, as
2 recorded in Plat Book 11, Page 6, of the Public
3 Records of Manatee County, Florida.
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5 Bayshore Gardens Subdivisions, Section 6, as
6 recorded in Plat Book 11, Page 59, of the
7 Public Records of Manatee County, Florida.
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9 Bayshore Gardens Subdivisions, Section 7, as
10 recorded in Plat Book 11, Page 60, of the
11 Public Records of Manatee County, Florida.
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13 Bayshore Gardens Subdivisions, Section 8, as
14 recorded in Plat Book 11, Page 63, of the
15 Public Records of Manatee County, Florida.
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17 Bayshore Gardens Subdivisions, Section 10, as
18 recorded in Plat Book 11, Page 93, of the
19 Public Records of Manatee County, Florida.
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21 Bayshore Gardens Subdivisions, Section 11, as
22 recorded in Plat Book 12, Pages 4 and 5, of the
23 Public Records of Manatee County, Florida.
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25 Bayshore Gardens Subdivisions, Section 12, as
26 recorded in Plat Book 12, Pages 6 and 7, of the
27 Public Records of Manatee County, Florida.
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29 Bayshore Gardens Subdivisions, Section 13, as
30 recorded in Plat Book 12, Pages 8 and 9, of the
31 Public Records of Manatee County, Florida.

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2 Bayshore Gardens Subdivisions, Section 14, as
3 recorded in Plat Book 12, Page 10 and 11, of
4 the Public Records of Manatee County, Florida.
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6 Bayshore Gardens Subdivisions, Section 31, as
7 recorded in Plat Book 12, Pages 32 and 33, of
8 the Public Records of Manatee County, Florida.
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10 Bayshore Gardens Subdivisions, Section 32, as
11 recorded in Plat Book 12, Pages 34 and 35, of
12 the Public Records of Manatee County, Florida.
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14 Bayshore Gardens Subdivisions, Section 33, as
15 recorded in Plat Book 12, Pages 36 and 37, of
16 the Public Records of Manatee County, Florida.
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18 Bayshore Gardens Subdivisions, Section 19, as
19 recorded in Plat Book 12, Pages 76 and 77, of
20 the Public Records of Manatee County, Florida.
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22 Bayshore Gardens Subdivisions, Section 20, as
23 recorded in Plat Book 12, Page 78 and 79, of
24 the Public Records of Manatee County, Florida.
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26 Bayshore Gardens Subdivisions, Section 21, as
27 recorded in Plat Book 12, Pages 80 and 81, of
28 the Public Records of Manatee County, Florida.
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1 Bayshore Gardens Subdivisions, Section 22, as
2 recorded in Plat Book 13, Pages 1 and 2, of the
3 Public Records of Manatee County, Florida.
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5 Bayshore Gardens Subdivisions, Section 35, as
6 recorded in Plat Book 13, Pages 44 and 45, of
7 the Public Records of Manatee County, Florida.
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9 Bayshore Gardens Subdivisions, Section 36, as
10 recorded in Plat Book 13, Pages 53 and 54, of
11 the Public Records of Manatee County, Florida.
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13 Bayshore Gardens Subdivisions, Section 37A, as
14 recorded in Plat Book 13, Page 82, of the
15 Public Records of Manatee County, Florida.
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17 Parcel of land, 70' X 108' facing 70' on the
18 extension of Renssalaer Drive described as
19 follows:
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21 Begin as the most Easterly corner of Lot 1,
22 Block C, Section 14, Bayshore Gardens
23 Subdivision, as per Plat thereof recorded in
24 Plat Book 12, Page 10, Public Records of
25 Manatee County, Florida; thence run N 49°47'51"
26 W, along the Northerly line of said Lot 1,
27 Block C, 108.0' to the E line of Renssalaer
28 Drive extended; thence run N 40°12'10" E 70.0'
29 to a point; thence run S 49°47'50" E, 108.0' to
30 a point; thence run S 40°12'10" W 70.0' to the
31 point of beginning; less a 5' easement off the

1 S and E sides of the above described parcel.
2 Begin at the SW corner of Lot 2, Block A,
3 Bayshore Gardens, Section 35, as per Plat
4 recorded in Plat Book 13, Pages 44 and 45;
5 thence run along the W line of said Lot 2, and
6 the extension thereof N 0°30' W, a distance of
7 108.0 feet to a point; thence run South 89°30'
8 W, a distance of 70.0 feet to a point; thence
9 run S 0°30' E, a distance of 108.0 feet to a
10 point; thence run N 89°30' E, a distance of
11 70.0 feet to the point of beginning, as
12 described in Official Record Book 308, Page 43,
13 Public Records of Manatee County, Florida.

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

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

22 (2) The powers, functions, and duties of the district
23 regarding ad valorem taxation, bond issuance, other
24 revenue-raising capabilities, budget preparation and approval,
25 liens and foreclosure of liens, use of tax deeds and tax
26 certificates as appropriate for non-ad valorem assessments,
27 and contractual agreements shall be as set forth in chapters
28 170, 189, 197, and 418, Florida Statutes, or any other
29 applicable general or special law, as they may be amended from
30 time to time.

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1 (3) The district was created by the Legislature in
2 1979 by House Bill 1233 in accordance with chapter 418,
3 Florida Statutes.

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

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

1 misfeasance. The trustees, upon their biennial election, shall
2 organize by electing from their number a chair, two vice
3 chairs, a secretary, and a treasurer.

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

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

21 (a) To negotiate purchases and to purchase real and
22 personal property on behalf of the district and to pay for
23 such purchases either with cash or by the issuance of
24 promissory notes or revenue certificates.

25 (b) To determine and fix the assessment to be assessed
26 annually within the district.

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

28 (d) To buy, sell, rent, or lease real and personal
29 property in the name of the district.

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1 (e) To deliver purchase money notes and mortgages or
2 to assume the obligation of existing mortgages in connection
3 with the acquisition of property of the district.

4 (f) To receive gifts of real or personal property.

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

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8 A record shall be kept of all meetings of the board of
9 trustees and, in such meetings, a concurrence of the majority
10 of the trustees is necessary to any affirmative action taken
11 by the board. The trustees may adopt such rules and
12 regulations, not inconsistent with any portion of this act, or
13 chapters 189 and 418, Florida Statutes, as they consider
14 necessary or convenient for the transaction of the business of
15 the board and in carrying out the provisions of this act.
16 Notwithstanding any provisions to the contrary in this act,
17 the trustees shall not enter into any future contracts
18 involving the purchase, lease, conveyance, or other manner of
19 acquisition of real or tangible personal property in any
20 instance where the cost, price, or consideration thereof
21 exceeds \$25,000, including all obligations proposed to be
22 assumed in connection with such acquisition, unless the
23 trustees by two-thirds vote have approved the terms and
24 conditions of such acquisition by written resolution and
25 within not less than 30 nor more than 60 days after the date
26 of the resolution, the trustees certify the resolution to the
27 Supervisor of Elections of Manatee County for a referendum
28 election, and a majority of qualified electors approve the
29 resolution by referendum election.

30 (8) Requirements for financial disclosure, meeting
31 notices, and reporting requirements shall be as set forth in

1 chapters 112, 189, 286, and 418, Florida Statutes, as they may
2 be amended from time to time. The fiscal year of the district
3 shall commence October 1. The trustees shall, on or before
4 April 1 of each year, prepare an annual financial statement of
5 income and disbursements during the prior fiscal year. On or
6 before July 1 of each year, the trustees shall prepare and
7 adopt an itemized budget showing the amount of money necessary
8 for the operation of the district for the next fiscal year,
9 and the district assessment to be assessed and collected upon
10 the taxable property of the district for the next ensuing
11 year. Such financial statements shall be published once during
12 the month of April each year in a newspaper of general
13 circulation within the County of Manatee. A copy of the
14 statement and a copy of the budget shall also be made
15 available for public inspection at the principal office of the
16 district at reasonable hours.

17 (9) The district shall have no authority to issue
18 bonds.

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

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

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

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

16 (12) The district's geographic boundary limitations
17 shall be as set forth in section 1 of this charter.

18 (13) The Bayshore Gardens Park and Recreation District
19 is an independent special district as defined in section
20 189.403(3), Florida Statutes.

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

25 (15) The district hereby created may be abolished by a
26 two-thirds vote of the qualified electors of the districts
27 participating in an election called by the trustees of the
28 district for that purpose, which election shall be held and
29 notice thereof given under the same requirements as are set
30 forth hereunder for the election of trustees and the levying
31 and collecting of district assessments; provided, however,

1 that the district shall not be abolished while it has
2 outstanding indebtedness without first making adequate
3 provisions for the liquidation of such outstanding
4 indebtedness.

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

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

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

1 authorized by this act, the liberal construction shall be
2 chosen.

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

9 Section 6. Chapters 79-509 and 97-357, Laws of
10 Florida, are repealed.

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

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