

By Representative Bennett

1                                   A bill to be entitled  
2           An act relating to Bayshore Gardens Park and  
3           Recreation District, Manatee County; providing  
4           for codification; providing legislative intent;  
5           providing district status and boundaries;  
6           providing for applicability of chapters 418 and  
7           189, Florida Statutes, and other general laws;  
8           providing a district charter; providing for  
9           liberal construction; providing for  
10          severability; repealing chapters 79-509 and  
11          97-357, Laws of Florida; providing an effective  
12          date.

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

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

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26 District, are codified, reenacted, amended, and repealed as  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

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

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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:

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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

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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.  
5  
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.  
10  
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.  
24  
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.

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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. Said  
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 said 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. Said 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 said district. Any  
28 trustee moving from the district shall resign forthwith. Any  
29 trustee failing to discharge the duties of his or her position  
30 may be removed for cause by the board of trustees after due  
31 notice and an opportunity to be heard upon charges of



1 malfeasance or misfeasance. The trustees, upon their biennial  
2 election, shall organize by electing from their number a  
3 chair, two vice 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 said trustees shall be necessary to any affirmative action  
11 taken by the board. Said 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 may deem  
14 necessary or convenient in and about the transaction of the  
15 business of the board and in carrying out the provisions of  
16 this act. Notwithstanding any provisions to the contrary  
17 herein, 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 said  
14 statement and a copy of said 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 said 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 said resolution  
31 fixing the amount of said assessment, the trustees shall hold

1 a 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 said 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 said assessment present at said 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 County Tax Collector and the  
16 County Property Appraiser shall each receive compensation for  
17 their services regarding such special assessments of 1 1/2  
18 percent of the gross tax receipts instead of the commissions  
19 and fees usually earned for the assessment and collection of  
20 county taxes. After deducting therefrom said fees, the County  
21 Tax Collector shall deposit the funds into a depository  
22 designated by the board of trustees of the district for the  
23 account of the district. For the purpose of determining  
24 property subject to the district assessment, an "improved  
25 residential parcel" means a platted lot or lots on which a  
26 residence may be erected. The district assessment shall not be  
27 an ad valorem tax but rather shall be a unit tax assessed  
28 equally against all improved residential parcels. The district  
29 assessment shall be a lien upon each improved residential  
30 parcel of land so assessed until said assessment has been  
31 paid, and shall be considered a part of the Manatee County

1 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 said assessment and the funds of the district  
5 shall be deposited in the name of the district in a bank or  
6 savings 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 said 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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