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A bill to be entitled

An act relating to Broward County; creating the Woodlands Independent District within the City of Tamarac; providing for boundaries; providing for the purpose and authority of the district; providing for powers, functions, and duties of the district relating to taxation, bonds, revenue raising capabilities, budget, liens, special assessments, non-ad valorem assessments, and contractual agreements; providing for election, organization, powers, duties, and compensation of the governing board of the district; providing for applicable financial notice and disclosure governing the district; providing for the issuance of bonds; providing for district elections; providing for methods of financing the district; providing for powers and duties as granted to neighborhood improvement districts; providing for powers to establish maintenance, security, aesthetic, and architectural standards within the district; providing for powers over streets and ways within the district; providing an effective date.

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

Section 1. There is hereby created in Broward County, within the City of Tamarac, an independent special district to be known by the popular name "the Woodlands Independent District," hereinafter referred to as the District. The creation of the Woodlands Independent District is the best alternative as this District would provide for enforceable standards which would comport with those expired deed restrictions and covenants upon which the community of the Woodlands was originally



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31 constituted. The standards would exceed those of the  
 32 municipality in which it resides and would allow the Woodlands  
 33 to ensure that the community, through its own elected officials,  
 34 is in control of its appearance and standards. Further, the  
 35 District would have such powers as are afforded to neighborhood  
 36 improvement districts, thereby ensuring that the Woodlands  
 37 community would continue to retain aesthetic appearance and  
 38 property value.

39 Section 2. The purpose of the District shall be to  
 40 maintain the appearance, aesthetics, and architectural standards  
 41 of all private property within the District. The District shall  
 42 further ensure that the general appearance of all homes and  
 43 structures is kept at a standard provided by restrictions and  
 44 covenants originally intended. The District shall have  
 45 additional powers as generally granted to neighborhood  
 46 improvement districts.

47 Section 3. The boundaries of the Woodlands Independent  
 48 District are as follows:

49 A parcel of land in Section 14, Township 49 South,  
 50 Range 41 East being more particularly described as  
 51 follows:

52 SUBDISTRICT 1

53 THE WOODLANDS, SECTION ONE - PHASE ONE, as recorded in  
 54 Plat Book 66, Page 22, of the Public Records of  
 55 Broward County, Florida, together with;

56 THE WOODLANDS, SECTION ONE- PHASE TWO, as recorded in  
 57 Plat Book 67, Page 23, of the Public Records of  
 58 Broward County, Florida, together with;

59 SUBDISTRICT 2

60 THE WOODLANDS, SECTION TWO - PHASE ONE, as recorded in



61 Plat Book 66, Page 23, of the Public Records of  
 62 Broward County, Florida, together with;  
 63 SUBDISTRICT 3  
 64 THE WOODLANDS, THIRD SECTION, as recorded in Plat Book  
 65 66, Page 24, of the Public Records of Broward County,  
 66 Florida, together with;  
 67 SUBDISTRICT 4  
 68 THE WOODLANDS, SECTION FOUR, as recorded in Plat Book  
 69 66, Page 25, of the Public Records of Broward County,  
 70 Florida, together with;  
 71 THE WOODLANDS COUNTRY CLUB, as recorded in Plat Book  
 72 67, Page 30, of the Public Records of Broward County,  
 73 Florida, together with;  
 74 SUBDISTRICT 5  
 75 THE WOODLANDS, SECTION FIVE, as recorded in Plat Book  
 76 67, Page 43, of the Public Records of Broward County,  
 77 Florida.  
 78 SUBDISTRICT 6  
 79 THE WOODLANDS, SECTION SIX, as recorded in Plat Book  
 80 67, Page 40, of the Public Records of Broward County,  
 81 Florida, together with;  
 82 SUBDISTRICT 7  
 83 THE WOODLANDS, SECTION SEVEN, as recorded in Plat Book  
 84 67, Page 41, of the Public Records of Broward County,  
 85 Florida, together with;  
 86 SUBDISTRICT 8  
 87 THE WOODLANDS, SECTION EIGHT, as recorded in Plat Book  
 88 67, Page 42, of the Public Records of Broward County,  
 89 Florida.

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Section 4. Subsequent to March 19, 2004, the governing board of the Woodlands Independent District shall be composed of nine members who shall be qualified voters of the state and residents within the boundary of the District.

(1) The initial governing body of the Woodlands Independent District shall be composed of nine members consisting of the president of each of the Woodlands Homeowners Associations sections 1-8, as described in section 3 of this act, along with the president of the Woodlands Homeowners Association board of directors following the effective date of this act. Said board shall function only through March 19, 2004. The sole function of said initial board shall be to adopt a resolution authorizing imposition of a non-ad valorem special assessment for all private properties within the Woodlands Independent District and to comply with all other provisions of section 197.3632(3)(a), Florida Statutes.

(2) The members of the board of the Woodlands Independent District shall be elected at a special election to be called by Broward County on March 9, 2004, in accordance with the provisions for elections contained in chapter 189, Florida Statutes, and the Florida Election Code, except as provided herein. The individual receiving the greatest number of votes, of voters who reside in each of the eight subdistricts in the Woodlands Independent District and are qualified voters of the state voting in the election from among the candidates residing within each subdistrict who have qualified for election 60 days prior to the election, shall be elected to the governing board from said subdistrict. A ninth member of the board shall be elected in the same manner as the previous eight board members,



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121 except that a candidate may qualify by residing anywhere within  
122 the Woodlands Independent District and shall be elected at  
123 large. The initial governing board shall remain in their  
124 respective offices until the election of their successors.

125 (3) Subsequent election of the members of the governing  
126 board of the Woodlands Independent District shall coincide with  
127 the date of the Tamarac City Commission scheduled for 2006, with  
128 the elections and qualifications as provided in subsection (1).  
129 Each member of the governing board shall be elected for a 3-year  
130 term thereafter to coincide with the date of the Tamarac  
131 municipal election scheduled.

132 (4) Any member of the governing board may be removed by a  
133 majority vote of the board for misfeasance, malfeasance, or  
134 neglect of duty.

135 (5) Any vacancy in the membership of the governing board  
136 resulting from the death, resignation, or removal of any such  
137 board member or from any other cause shall be filled for the  
138 remainder of the term by election within 30 days after the  
139 occurrence of such vacancy. However, in the event that the  
140 remaining term is 60 days or less, the vacancy shall be filled  
141 by election to coincide with the next Tamarac municipal  
142 election.

143 Section 5. The governing board of the Woodlands  
144 Independent District shall have the following powers commencing  
145 on March 20, 2004:

146 (1) To enter into contracts and agreements and sue and be  
147 sued as a body corporate.

148 (2) To have and use a corporate seal.

149 (3) To acquire, own, convey, or otherwise dispose of,  
150 lease as lessor or lessee, construct, maintain, improve,



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151 enlarge, raise, relocate, operate, and manage property and  
 152 facilities of whatever type to which it holds an appropriate  
 153 interest and grant and acquire licenses, easements, and options  
 154 with respect thereto.

155 (4) To accept grants and donations of any type of  
 156 property, labor, or other thing of value from any public or  
 157 private source.

158 (5) To have exclusive control of funds legally available  
 159 to it, subject to limitations imposed by law or by any agreement  
 160 validly enter into by it.

161 (6) To hire and employ full-time and part-time personnel  
 162 and provide benefits therefor.

163 (7) To cooperate and contract with governmental agencies  
 164 or other public bodies.

165 (8) To contract for services of planning consultants,  
 166 experts on crime prevention through community policing  
 167 innovations, environmental design, environmental security, or  
 168 defensible space or other experts in areas pertaining to the  
 169 operation of the governing board of the District.

170 (9) To contract with the county or municipal government  
 171 for planning assistance and for increased levels of law  
 172 enforcement protection, code enforcement, and security,  
 173 including personnel to provide any functions necessary for the  
 174 accomplishment of its purposes. The Woodlands Independent  
 175 District shall be responsible for all costs and expenses  
 176 incurred under the agreement.

177 (10) To improve street lights, parks, streets, drainage,  
 178 utilities, swales, and open areas and provide safe access to  
 179 mass transportation facilities in the District with the prior  
 180 approval of the City of Tamarac.



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181 (11) To undertake innovative approaches to securing  
182 neighborhoods from crime, blight, and failure to maintain  
183 property to community standards.

184 (12) To provide for crime prevention through community  
185 policing innovations, environmental design, environmental  
186 security, and defensible space.

187 (13) To adopt property maintenance, aesthetic, and  
188 architectural standards more stringent than those adopted by  
189 ordinance of the City of Tamarac within the boundaries of the  
190 Woodlands Independent District.

191 (a) Said standards shall be set only by adoption of a  
192 resolution of the board after two public hearings as provided  
193 for in section 166.041(3)(c), Florida Statutes, except that any  
194 reference in said section of Florida Statutes to the ordinances  
195 of a municipality shall also relate to the resolution of the  
196 Woodlands Independent District.

197 (b) Every resolution, upon its final passage, shall be  
198 recorded in a book kept for that purpose and shall be signed by  
199 the presiding officer of the District and by the clerk of same.

200 (c) Each regulation adopted by the Woodlands Independent  
201 District shall be filed with the Clerk of the Woodlands  
202 Independent District and the City Clerk of the City of Tamarac.

203 (d) Each regulation shall be printed and codified from  
204 time to time and available at each meeting of the governing  
205 board of the Woodlands Independent District.

206 (e) Once enacted, each resolution shall be an enforceable  
207 regulation as to private property within the Woodlands  
208 Independent District. Each violation of a standard adopted by  
209 the Woodlands Independent District may be enforced by the  
210 District either through civil injunction or as a code violation



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211 enforceable by the City of Tamarac pursuant to part I of chapter  
 212 162, Florida Statutes.

213 1. The Woodlands Independent District shall be entitled to  
 214 recover all court costs and attorney's fees in any successful  
 215 action brought to enjoin a violation of a standard adopted  
 216 pursuant to this subsection.

217 2. For purposes of enforcement of the regulations of the  
 218 Woodlands Independent District pursuant to part I of chapter 162  
 219 and section 162.03, Florida Statutes, each regulation shall be  
 220 deemed equal in dignity and stature and carry the force and  
 221 effect of a duly enacted section of the code of the City of  
 222 Tamarac. Penalties for violations of the Woodlands Independent  
 223 District shall be as provided in part I of chapter 162, Florida  
 224 Statutes.

225 (f) The Woodlands Independent District and the City of  
 226 Tamarac shall enter into an agreement for enforcement of the  
 227 Woodlands Independent District standards and regulations  
 228 pursuant to part I of chapter 162, Florida Statutes.

229 (14) To privatize, close, vacate, plan, or replan streets,  
 230 roads, sidewalks, and alleys and to regulate, restrict, or  
 231 monitor traffic by security devices and personnel on public  
 232 streets within the District. All such actions require the prior  
 233 approval of the City of Tamarac.

234 (15) To make and collect special assessments pursuant to  
 235 sections 197.3632 and 197.3635, Florida Statutes, to pay for  
 236 improvements to the District, enforcement of enacted standards  
 237 and regulations, and reasonable expense of operating the  
 238 District, including the payment of expenses included in the  
 239 District's budget.





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240 (16) To be authorized to receive a planning grant from the  
241 Department of Community Affairs.

242 (17) To issue revenue bonds pursuant to section 189.4085,  
243 Florida Statutes, and otherwise by general law to pay for  
244 capital improvements necessary to meet the purpose of the  
245 District.

246 (18) To issue refunding bonds pursuant to section  
247 189.4085, Florida Statutes, and otherwise by general law to  
248 refund any bonds then outstanding which shall have been issued  
249 under the provisions of this act.

250 (19) The District shall not be empowered or authorized in  
251 any manner to create a debt as against the state, county, or any  
252 or all of the cities, and may not pledge the full faith and  
253 credit of the state, county, or any of the cities. All revenue  
254 bonds or debt obligations shall contain on the face thereof a  
255 statement to the effect that the state, county, or any of the  
256 cities in which the District is located shall not be obligated  
257 to pay the same and neither the full faith and credit nor the  
258 taxing power of the state or of any political subdivision  
259 thereof is pledged to the payment of the principal of or the  
260 interest on such bonds. The issuance of revenue or refunding  
261 bonds under the provisions of this act shall not directly,  
262 indirectly, or contingently obligate the state, county, or city  
263 in which the District is located to levy or pledge any form of  
264 taxation whatever therefor or to make any appropriation for  
265 their payment.

266 (20) To provide for fiscal management and budget  
267 preparation as provided in section 163.5151, Florida Statutes.

268 (21) To contract and cooperate with community  
269 organizations pursuant to section 163.523, Florida Statutes.



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270       (22) To apply on behalf of the District and be eligible to  
 271       receive planning grants and technical assistance as a local  
 272       government neighborhood improvement district pursuant to section  
 273       163.517, Florida Statutes.

274       Section 6. Organization, compensation, and administrative  
 275       duties of the governing board of the District shall commence on  
 276       April 1, 2004.

277       (1) There shall be at least one regular meeting of the  
 278       governing board of the Woodlands Independent District every  
 279       second month. The regular meetings of the governing board shall  
 280       be conducted at a building located within the geographic  
 281       boundaries of the District. The meetings shall be held pursuant  
 282       to sections 189.416 and 189.417, Florida Statutes.

283       (2) Special meetings or workshop meetings of the governing  
 284       board may be called from time to time by the chair, the vice  
 285       chair, or a majority of the members of the governing board.

286       (3) The members of the governing board shall serve without  
 287       compensation except for reimbursement of responsibility and  
 288       necessary expenses as provided for in chapter 112, Florida  
 289       Statutes.

290       Section 7. The District shall comply with the financial  
 291       disclosure, noticing, and reporting requirements of section  
 292       189.418, Florida Statutes. The District shall prepare and submit  
 293       reports, budgets, and audits as provided in sections 189.415 and  
 294       189.418, Florida Statutes, except as otherwise provided herein.

295       Section 8. The charter of the Woodlands Independent  
 296       District may be amended by special act of the Legislature.

297       Section 9. The Woodlands Independent District shall not  
 298       have the power to levy ad valorem taxes.

299       Section 10. The Woodlands Independent District shall



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300 cooperate with the City of Tamarac in all planning matters.

301 Section 11. This act shall be liberally construed in order  
302 to effectuate its purposes.

303 Section 12. In the event of a conflict between the  
304 provisions of this act and the provisions of any other act, the  
305 provisions of this act shall control to the extent of such  
306 conflict.

307 Section 13. This act shall take effect upon becoming a  
308 law.