



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

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



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29 | within the district; providing for a referendum; providing
30 | an effective date.

31

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

33

34 | Section 1. There shall be created in Broward County,
35 | within the City of Tamarac, an independent special district to
36 | be known by the popular name "the Woodlands Independent
37 | District," hereinafter referred to as the District. The creation
38 | of the Woodlands Independent District is the best alternative as
39 | this District would provide for enforceable standards which
40 | would comport with those expired deed restrictions and covenants
41 | upon which the community of the Woodlands was originally
42 | constituted. The standards would exceed those of the
43 | municipality in which it resides and would allow the Woodlands
44 | to ensure that the community, through its own elected officials,
45 | is in control of its appearance and standards. Further, the
46 | District would have such powers as are afforded to neighborhood
47 | improvement districts, thereby ensuring that the Woodlands
48 | community would continue to retain aesthetic appearance and
49 | property value.

50 | Section 2. The purpose of the District shall be to
51 | maintain the appearance, aesthetics, and architectural standards
52 | of all private property within the District. The District shall
53 | further ensure that the general appearance of all homes and
54 | structures is kept at a standard provided by restrictions and
55 | covenants originally intended. The District shall have



56 additional powers as generally granted to neighborhood
 57 improvement districts.

58 Section 3. The boundaries of the Woodlands Independent
 59 District are as follows:

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

63 SUBDISTRICT 1

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

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

70 SUBDISTRICT 2

71 THE WOODLANDS, SECTION TWO - PHASE ONE, as recorded in
 72 Plat Book 66, Page 23, of the Public Records of
 73 Broward County, Florida, together with;

74 SUBDISTRICT 3

75 THE WOODLANDS, THIRD SECTION, as recorded in Plat Book
 76 66, Page 24, of the Public Records of Broward County,
 77 Florida, together with;

78 SUBDISTRICT 4

79 THE WOODLANDS, SECTION FOUR, as recorded in Plat Book
 80 66, Page 25, of the Public Records of Broward County,
 81 Florida, together with;



82 | THE WOODLANDS COUNTRY CLUB, as recorded in Plat Book
 83 | 67, Page 30, of the Public Records of Broward County,
 84 | Florida, together with;

85 | SUBDISTRICT 5

86 | THE WOODLANDS, SECTION FIVE, as recorded in Plat Book
 87 | 67, Page 43, of the Public Records of Broward County,
 88 | Florida.

89 | SUBDISTRICT 6

90 | THE WOODLANDS, SECTION SIX, as recorded in Plat Book
 91 | 67, Page 40, of the Public Records of Broward County,
 92 | Florida, together with;

93 | SUBDISTRICT 7

94 | THE WOODLANDS, SECTION SEVEN, as recorded in Plat Book
 95 | 67, Page 41, of the Public Records of Broward County,
 96 | Florida, together with;

97 | SUBDISTRICT 8

98 | THE WOODLANDS, SECTION EIGHT, as recorded in Plat Book
 99 | 67, Page 42, of the Public Records of Broward County,
 100 | Florida.

101 |
 102 | Section 4. Subsequent to March 19, 2004, the governing
 103 | board of the Woodlands Independent District shall be composed of
 104 | nine members who shall be qualified voters of the state and
 105 | residents within the boundary of the District.

106 | (1) The initial governing body of the Woodlands
 107 | Independent District shall be composed of nine members
 108 | consisting of the president of each of the Woodlands Homeowners
 109 | Associations sections 1-8, as described in section 3 of this



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110 act, along with the president of the Woodlands Homeowners
111 Association board of directors following the effective date of
112 this act. Said board shall function only through March 19, 2004.
113 The sole function of said initial board shall be to adopt a
114 resolution authorizing imposition of a non-ad valorem special
115 assessment for all private properties within the Woodlands
116 Independent District and to comply with all other provisions of
117 section 197.3632(3)(a), Florida Statutes.

118 (2) The members of the board of the Woodlands Independent
119 District shall be elected at a special election to be called by
120 Broward County on March 9, 2004, in accordance with the
121 provisions for elections contained in chapter 189, Florida
122 Statutes, and the Florida Election Code, except as provided
123 herein. The individual receiving the greatest number of votes,
124 of voters who reside in each of the eight subdistricts in the
125 Woodlands Independent District and are qualified voters of the
126 state voting in the election from among the candidates residing
127 within each subdistrict who have qualified for election 60 days
128 prior to the election, shall be elected to the governing board
129 from said subdistrict. A ninth member of the board shall be
130 elected in the same manner as the previous eight board members,
131 except that a candidate may qualify by residing anywhere within
132 the Woodlands Independent District and shall be elected at
133 large. The initial governing board shall remain in their
134 respective offices until the election of their successors.

135 (3) Subsequent election of the members of the governing
136 board of the Woodlands Independent District shall coincide with
137 the date of the Tamarac City Commission scheduled for 2006, with



138 the elections and qualifications as provided in subsection (1).
 139 Each member of the governing board shall be elected for a 3-year
 140 term thereafter to coincide with the date of the Tamarac
 141 municipal election scheduled.

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

145 (5) Any vacancy in the membership of the governing board
 146 resulting from the death, resignation, or removal of any such
 147 board member or from any other cause shall be filled for the
 148 remainder of the term by election within 30 days after the
 149 occurrence of such vacancy. However, in the event that the
 150 remaining term is 60 days or less, the vacancy shall be filled
 151 by election to coincide with the next Tamarac municipal
 152 election.

153 Section 5. The governing board of the Woodlands
 154 Independent District shall have the following powers commencing
 155 on March 20, 2004:

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

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

159 (3) To acquire, own, convey, or otherwise dispose of,
 160 lease as lessor or lessee, construct, maintain, improve,
 161 enlarge, raise, relocate, operate, and manage property and
 162 facilities of whatever type to which it holds an appropriate
 163 interest and grant and acquire licenses, easements, and options
 164 with respect thereto.



165 (4) To accept grants and donations of any type of
166 property, labor, or other thing of value from any public or
167 private source.

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

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

173 (7) To cooperate and contract with governmental agencies
174 or other public bodies.

175 (8) To contract for services of planning consultants,
176 experts on crime prevention through community policing
177 innovations, environmental design, environmental security, or
178 defensible space or other experts in areas pertaining to the
179 operation of the governing board of the District.

180 (9) To contract with the county or municipal government
181 for planning assistance and for increased levels of law
182 enforcement protection, code enforcement, and security,
183 including personnel to provide any functions necessary for the
184 accomplishment of its purposes. The Woodlands Independent
185 District shall be responsible for all costs and expenses
186 incurred under the agreement.

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



191 (11) To undertake innovative approaches to securing
192 neighborhoods from crime, blight, and failure to maintain
193 property to community standards.

194 (12) To provide for crime prevention through community
195 policing innovations, environmental design, environmental
196 security, and defensible space.

197 (13) To adopt property maintenance, aesthetic, and
198 architectural standards more stringent than those adopted by
199 ordinance of the City of Tamarac within the boundaries of the
200 Woodlands Independent District.

201 (a) Said standards shall be set only by adoption of a
202 resolution of the board after two public hearings as provided
203 for in section 166.041(3)(c), Florida Statutes, except that any
204 reference in said section of Florida Statutes to the ordinances
205 of a municipality shall also relate to the resolution of the
206 Woodlands Independent District.

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

210 (c) Each regulation adopted by the Woodlands Independent
211 District shall be filed with the Clerk of the Woodlands
212 Independent District and the City Clerk of the City of Tamarac.

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

216 (e) Once enacted, each resolution shall be an enforceable
217 regulation as to private property within the Woodlands
218 Independent District. Each violation of a standard adopted by



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219 the Woodlands Independent District may be enforced by the
220 District either through civil injunction or as a code violation
221 enforceable by the City of Tamarac pursuant to part I of chapter
222 162, Florida Statutes.

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

227 2. For purposes of enforcement of the regulations of the
228 Woodlands Independent District pursuant to part I of chapter 162
229 and section 162.03, Florida Statutes, each regulation shall be
230 deemed equal in dignity and stature and carry the force and
231 effect of a duly enacted section of the code of the City of
232 Tamarac. Penalties for violations of the Woodlands Independent
233 District shall be as provided in part I of chapter 162, Florida
234 Statutes.

235 (f) The Woodlands Independent District shall enter into an
236 interlocal agreement with the City of Tamarac for enforcement of
237 the Woodlands Independent District standards and regulations
238 pursuant to part I of chapter 162, Florida Statutes. The
239 interlocal agreement shall provide that the Woodlands
240 Independent District shall indemnify and hold harmless the City
241 of Tamarac and its elected officials, agents, and employees from
242 and against any claim or legal action that may arise from the
243 actions of the district or its officers, employees, or agents.
244 Additionally, the Woodlands Independent District shall maintain
245 insurance satisfactory to the City of Tamarac, naming the City



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246 of Tamarac as an additional insured, for the term of the
247 interlocal agreement.

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

253 (15) To make and collect special assessments pursuant to
254 sections 197.3632 and 197.3635, Florida Statutes, to pay for
255 improvements to the District, enforcement of enacted standards
256 and regulations, and reasonable expense of operating the
257 District, including the payment of expenses included in the
258 District's budget.

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

261 (17) To issue revenue bonds pursuant to section 189.4085,
262 Florida Statutes, and otherwise by general law to pay for
263 capital improvements necessary to meet the purpose of the
264 District.

265 (18) To issue refunding bonds pursuant to section
266 189.4085, Florida Statutes, and otherwise by general law to
267 refund any bonds then outstanding which shall have been issued
268 under the provisions of this act.

269 (19) The District shall not be empowered or authorized in
270 any manner to create a debt as against the state, county, or any
271 or all of the cities, and may not pledge the full faith and
272 credit of the state, county, or any of the cities. All revenue
273 bonds or debt obligations shall contain on the face thereof a



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274 statement to the effect that the state, county, or any of the
275 cities in which the District is located shall not be obligated
276 to pay the same and neither the full faith and credit nor the
277 taxing power of the state or of any political subdivision
278 thereof is pledged to the payment of the principal of or the
279 interest on such bonds. The issuance of revenue or refunding
280 bonds under the provisions of this act shall not directly,
281 indirectly, or contingently obligate the state, county, or city
282 in which the District is located to levy or pledge any form of
283 taxation whatever therefor or to make any appropriation for
284 their payment.

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

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

289 (22) To apply on behalf of the District and be eligible to
290 receive planning grants and technical assistance as a local
291 government neighborhood improvement district pursuant to section
292 163.517, Florida Statutes.

293 Section 6. Organization, compensation, and administrative
294 duties of the governing board of the District shall commence on
295 April 1, 2004.

296 (1) There shall be at least one regular meeting of the
297 governing board of the Woodlands Independent District every
298 second month. The regular meetings of the governing board shall
299 be conducted at a building located within the geographic
300 boundaries of the District. The meetings shall be held pursuant
301 to sections 189.416 and 189.417, Florida Statutes.



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

305 (3) The members of the governing board shall serve without
306 compensation except for reimbursement of responsibility and
307 necessary expenses as provided for in chapter 112, Florida
308 Statutes.

309 Section 7. The District shall comply with the financial
310 disclosure, noticing, and reporting requirements of section
311 189.418, Florida Statutes. The District shall prepare and submit
312 reports, budgets, and audits as provided in sections 189.415 and
313 189.418, Florida Statutes, except as otherwise provided herein.

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

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

318 Section 10. The Woodlands Independent District shall
319 cooperate with and be subject to the paramount authority of the
320 City of Tamarac, including, but not limited to, the adoption,
321 amendment, or repeal of any ordinance. All City of Tamarac
322 governmental planning, environmental, and land development laws,
323 regulations, and ordinances apply to all development of the land
324 within the Woodlands Independent District. The District shall
325 take no action, now or in the future, which is inconsistent with
326 applicable comprehensive plans and, except as provided in
327 subsection (13) of section 5, ordinances or regulations of the
328 City of Tamarac. No fee, charge, or assessment imposed by the
329 District shall entitle any resident or landowner within the



330 District to seek or obtain relief from any fee, charge,
 331 assessment, or tax imposed by the City of Tamarac. All property
 332 or facilities, including, but not limited to, street lights,
 333 parks, streets, drainage, utilities, swales, or other public
 334 projects owned by or constructed by the District, shall conform
 335 to and comply with the applicable standards and ordinances of
 336 the City of Tamarac with respect to comparable property or
 337 facilities. The District does not have the power of a local
 338 government to adopt a comprehensive plan pursuant to chapter
 339 163, Florida Statutes.

340 Section 11. (1) The Woodlands Homeowners Association
 341 board of directors shall remit a ballot to each of the owners of
 342 property within the boundaries of the Woodlands Independent
 343 District as described in this act. Said ballot shall be sent by
 344 first class mail not earlier than July 20, 2003, and not later
 345 than August 1, 2003. Each ballot shall be addressed to each
 346 property owner at the address for the property within the
 347 Woodlands Independent District in the official records of the
 348 Property Appraiser of Broward County. Each ballot shall state
 349 the following:

351 There shall be created the Woodlands Independent District.

352
 353 The Woodlands Independent District shall be created with
 354 the power to adopt and enforce property maintenance,
 355 aesthetic, and architectural standards more stringent than
 356 the City of Tamarac. The Woodlands Independent District



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357 shall have the power to make and create special
358 assessments.

359
360 ___ Yes

361 ___ No

362
363 Each property owner shall mail, deliver, or have delivered the
364 marked ballot provided in this subsection, so that it reaches
365 the place designated in said ballot, by the Woodlands Homeowners
366 Association board of directors no later than 5:00 p.m. on
367 September 1, 2003.

368 (2) The Woodlands Independent District shall be created
369 only if the Woodlands Homeowners Association board of directors
370 receives affirmative votes of a majority of all ballots received
371 pursuant to this section.

372 Section 12. This act shall be liberally construed in order
373 to effectuate its purposes.

374 Section 13. This act shall take effect upon becoming a
375 law.

376