



CHAMBER ACTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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



HB 1569

2003
CS

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

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, pursuant to chapter 189, F.S.

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 owners of freeholds not wholly exempt
 105 | from taxation in the area described in section 3.

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



HB 1569

2003
CS

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) Thereafter, members of the board of the Woodlands
119 Independent District shall be elected by mail ballot submitted
120 to each of the owners of a freehold not wholly exempt from
121 taxation within the area described in section 3. The mail
122 ballot shall be sent by first class mail to the owners of
123 freeholds not wholly exempt from taxation within the area
124 described in section 3 not earlier than February 15, 2004 and no
125 later than March 1, 2004. Each owner of a freehold not wholly
126 exempt from taxation within the area described in section 3
127 shall mail, deliver or have delivered the marked ballot provided
128 in this subsection so that it is received by the Clerk of the
129 City of Tamarac no later than 5 P.M. on March 19, 2004. The
130 individual receiving the greatest number of votes, who reside in
131 each of the eight subdistricts in the Woodlands Independent
132 District and are owners of freeholds not wholly exempt from
133 taxation in the area described in section 3, from among the
134 candidates residing within each subdistrict who have qualified
135 for election 60 days prior to the election, shall be elected to
136 the governing board from said subdistrict. A ninth member of the
137 board shall be elected in the same manner as the previous eight



HB 1569

2003
CS

138 board members, except that candidates for the ninth member, may
139 qualify by residing anywhere within the Woodlands Independent
140 District and shall be elected at large.

141 (3) Members of the governing board shall serve a three
142 year term. Subsequent elections shall be called by the Board in
143 the same manner as provided for in the initial elections and
144 shall be scheduled in order to provide no lapse in
145 representation.

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

149 (5) Any vacancy in the membership of the governing board
150 resulting from the death, resignation, or removal of any such
151 board member or from any other cause shall be filled for the
152 remainder of the term by election within 30 days after the
153 occurrence of such vacancy. However, in the event that the
154 remaining term is 60 days or less, the vacancy shall be filled
155 by election in a manner consistent with subsection 2.

156 Section 5. The governing board of the Woodlands
157 Independent District shall have the following powers commencing
158 on March 20, 2004:

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

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

162 (3) To acquire, own, convey, or otherwise dispose of,
163 lease as lessor or lessee, construct, maintain, improve,
164 enlarge, raise, relocate, operate, and manage property and
165 facilities of whatever type to which it holds an appropriate



166 interest and grant and acquire licenses, easements, and options
 167 with respect thereto.

168 (4) To accept grants and donations of any type of
 169 property, labor, or other thing of value from any public or
 170 private source.

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

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

176 (7) To cooperate and contract with governmental agencies
 177 or other public bodies.

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

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

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



HB 1569

2003
CS

194 (11) To undertake innovative approaches to securing
195 neighborhoods from crime, blight, and failure to maintain
196 property to community standards.

197 (12) To provide for crime prevention through community
198 policing innovations, environmental design, environmental
199 security, and defensible space.

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

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

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

213 (c) Each regulation adopted by the Woodlands Independent
214 District shall be filed with the Clerk of the Woodlands
215 Independent District and the City Clerk of the City of Tamarac.

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

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



HB 1569

2003
CS

222 the Woodlands Independent District may be enforced by the
223 District either through civil injunction or as a code violation
224 enforceable by the City of Tamarac pursuant to part I of chapter
225 162, Florida Statutes.

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

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

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



HB 1569

2003
CS

249 of Tamarac as an additional insured, for the term of the
250 interlocal agreement.

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

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

262 (16) To be authorized to receive a planning grant from the
263 Department of Community Affairs or its successor.

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

268 (18) To issue refunding bonds pursuant to section
269 189.4085, Florida Statutes, and otherwise by general law to
270 refund any bonds then outstanding which shall have been issued
271 under the provisions of this act.

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



HB 1569

2003
CS

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

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

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

292 (22) To apply on behalf of the District and be eligible to
293 receive planning grants and technical assistance as a local
294 government neighborhood improvement district pursuant to section
295 163.517, Florida Statutes.

296 Section 6. Organization, compensation, and administrative
297 duties of the governing board of the District shall commence on
298 April 1, 2004.

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



HB 1569

2003
CS

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

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

312 Section 7. The District shall comply with the financial
313 disclosure, noticing, and reporting requirements of section
314 189.418, Florida Statutes. The District shall prepare and submit
315 reports, budgets, and audits as provided in sections 189.415 and
316 189.418, Florida Statutes, except as otherwise provided herein.

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

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

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



HB 1569

2003
CS

333 District to seek or obtain relief from any fee, charge,
334 assessment, or tax imposed by the City of Tamarac. All property
335 or facilities, including, but not limited to, street lights,
336 parks, streets, drainage, utilities, swales, or other public
337 projects owned by or constructed by the District, shall conform
338 to and comply with the applicable standards and ordinances of
339 the City of Tamarac with respect to comparable property or
340 facilities. The District does not have the power of a local
341 government to adopt a comprehensive plan pursuant to chapter
342 163, Florida Statutes.

343 Section 11. (1) The City of Tamarac shall remit a ballot
344 to any owner of a freehold not wholly exempt from taxation
345 within the area described in section 3 who shall be eligible to
346 vote in any referendum election provided for in this act. The
347 owner of such freehold shall be determined by the city clerk
348 from the most recent real property assessment roll prepared by
349 the property appraiser pursuant to general law prior to the
350 scheduled referendum election. However, the grantees by
351 conveyance of a freehold in the area described in section 3
352 subsequent to the most recent real property assessment roll may
353 present evidence of such conveyance to the city clerk of the
354 City of Tamarac not later than 60 days prior to the date of a
355 referendum election, pursuant to this section, whereupon the
356 clerk, after verifying such conveyance, shall substitute the
357 name of the grantee as an elector in place of the owner
358 appearing on the real property assessment roll. No more than one
359 ballot per freehold shall be cast in any referendum election.
360 Said ballot shall be sent by first class mail not earlier than



HB 1569

2003
CS

361 October 1, 2003, and not later than October 15, 2003. Each
 362 ballot shall be addressed to each property owner at the address
 363 for the property within the Woodlands Independent District in
 364 the official records of the Property Appraiser of Broward
 365 County. Each ballot shall state the following:

366
 367 There shall be created the Woodlands Independent District.

368
 369 The Woodlands Independent District shall be created with
 370 the power to adopt and enforce property maintenance,
 371 aesthetic, and architectural standards more stringent than
 372 the City of Tamarac. The Woodlands Independent District
 373 shall have the power to make and create special
 374 assessments.

375
 376 ___ Yes

377 ___ No

378
 379 Each property owner shall mail, deliver, or have delivered the
 380 marked ballot provided in this subsection, so that it reaches
 381 the Clerk of the City of Tamarac no later than 5:00 p.m. on
 382 November 1, 2003.

383 (2) The Woodlands Independent District shall be created
 384 only if approved by the owners of freeholds not wholly exempt
 385 from taxation within the area described in section 3 pursuant to
 386 this section.

387 Section 12. This act shall be liberally construed in order
 388 to effectuate its purposes.



HB 1569

2003
CS

389 | Section 13. This act shall take effect only upon its
390 | approval by a majority vote of the freehold owners described in
391 | section 11 in the area described in section 3 voting in a
392 | referendum election to be called by the City of Tamarac, except
393 | that section 11 and this section shall take effect upon becoming
394 | a law.
395 |