



1 A bill to be entitled

2 An act relating to Broward County; creating the Woodlands
3 Independent District within the City of Tamarac; providing
4 for boundaries; providing for the purpose and authority of
5 the district; providing for powers, functions, and duties
6 of the district relating to taxation, bonds, revenue
7 raising capabilities, budget, liens, special assessments,
8 non-ad valorem assessments, and contractual agreements;
9 providing for election, organization, powers, duties, and
10 compensation of the governing board of the district;
11 providing for applicable financial notice and disclosure
12 governing the district; providing for the issuance of
13 bonds; providing for district elections; providing for
14 methods of financing the district; providing for powers
15 and duties as granted to neighborhood improvement
16 districts; providing for powers to establish maintenance,
17 security, aesthetic, and architectural standards within
18 the district; providing for powers over streets and ways
19 within the district; providing for a referendum; providing
20 effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. There shall be created in Broward County,
25 within the City of Tamarac, an independent special district to
26 be known by the popular name "the Woodlands Independent
27 District," hereinafter referred to as the District. The creation
28 of the Woodlands Independent District is the best alternative as



29 this District would provide for enforceable standards which
30 would comport with those expired deed restrictions and covenants
31 upon which the community of the Woodlands was originally
32 constituted. The standards would exceed those of the
33 municipality in which it resides and would allow the Woodlands
34 to ensure that the community, through its own elected officials,
35 is in control of its appearance and standards. Further, the
36 District would have such powers as are afforded to neighborhood
37 improvement districts, thereby ensuring that the Woodlands
38 community would continue to retain aesthetic appearance and
39 property value.

40 Section 2. The purpose of the District shall be to
41 maintain the appearance, aesthetics, and architectural standards
42 of all private property within the District. The District shall
43 further ensure that the general appearance of all homes and
44 structures is kept at a standard provided by restrictions and
45 covenants originally intended. The District shall have
46 additional powers as generally granted to neighborhood
47 improvement districts, pursuant to chapter 189, F.S.

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

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

53 SUBDISTRICT 1

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



57 | THE WOODLANDS, SECTION ONE- PHASE TWO, as recorded in
 58 | Plat Book 67, Page 23, of the Public Records of
 59 | Broward County, Florida, together with;
 60 | SUBDISTRICT 2
 61 | THE WOODLANDS, SECTION TWO - PHASE ONE, as recorded in
 62 | Plat Book 66, Page 23, of the Public Records of
 63 | Broward County, Florida, together with;
 64 | SUBDISTRICT 3
 65 | THE WOODLANDS, THIRD SECTION, as recorded in Plat Book
 66 | 66, Page 24, of the Public Records of Broward County,
 67 | Florida, together with;
 68 | SUBDISTRICT 4
 69 | THE WOODLANDS, SECTION FOUR, as recorded in Plat Book
 70 | 66, Page 25, of the Public Records of Broward County,
 71 | Florida, together with;
 72 | THE WOODLANDS COUNTRY CLUB, as recorded in Plat Book
 73 | 67, Page 30, of the Public Records of Broward County,
 74 | Florida, together with;
 75 | SUBDISTRICT 5
 76 | THE WOODLANDS, SECTION FIVE, as recorded in Plat Book
 77 | 67, Page 43, of the Public Records of Broward County,
 78 | Florida.
 79 | SUBDISTRICT 6
 80 | THE WOODLANDS, SECTION SIX, as recorded in Plat Book
 81 | 67, Page 40, of the Public Records of Broward County,
 82 | Florida, together with;
 83 | SUBDISTRICT 7



84 THE WOODLANDS, SECTION SEVEN, as recorded in Plat Book
 85 67, Page 41, of the Public Records of Broward County,
 86 Florida, together with;
 87 SUBDISTRICT 8
 88 THE WOODLANDS, SECTION EIGHT, as recorded in Plat Book
 89 67, Page 42, of the Public Records of Broward County,
 90 Florida.

91
 92 Section 4. Subsequent to March 19, 2004, the governing
 93 board of the Woodlands Independent District shall be composed of
 94 nine members who shall be owners of freeholds not wholly exempt
 95 from taxation in the area described in section 3.

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

108 (2) Thereafter, members of the board of the Woodlands
 109 Independent District shall be elected by mail ballot submitted
 110 to each of the owners of a freehold not wholly exempt from
 111 taxation within the area described in section 3. The mail



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

131 (3) Members of the governing board shall serve a three
132 year term. Subsequent elections shall be called by the Board in
133 the same manner as provided for in the initial elections and
134 shall be scheduled in order to provide no lapse in
135 representation.

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



139 (5) Any vacancy in the membership of the governing board
140 resulting from the death, resignation, or removal of any such
141 board member or from any other cause shall be filled for the
142 remainder of the term by election within 30 days after the
143 occurrence of such vacancy. However, in the event that the
144 remaining term is 60 days or less, the vacancy shall be filled
145 by election in a manner consistent with subsection 2.

146 Section 5. The governing board of the Woodlands
147 Independent District shall have the following powers commencing
148 on March 20, 2004:

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

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

152 (3) To acquire, own, convey, or otherwise dispose of,
153 lease as lessor or lessee, construct, maintain, improve,
154 enlarge, raise, relocate, operate, and manage property and
155 facilities of whatever type to which it holds an appropriate
156 interest and grant and acquire licenses, easements, and options
157 with respect thereto.

158 (4) To accept grants and donations of any type of
159 property, labor, or other thing of value from any public or
160 private source.

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

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



166 (7) To cooperate and contract with governmental agencies
 167 or other public bodies.

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

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

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

184 (11) To undertake innovative approaches to securing
 185 neighborhoods from crime, blight, and failure to maintain
 186 property to community standards.

187 (12) To provide for crime prevention through community
 188 policing innovations, environmental design, environmental
 189 security, and defensible space.

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



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

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

203 (c) Each regulation adopted by the Woodlands Independent
204 District shall be filed with the Clerk of the Woodlands
205 Independent District and the City Clerk of the City of Tamarac.

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

209 (e) Once enacted, each resolution shall be an enforceable
210 regulation as to private property within the Woodlands
211 Independent District. Each violation of a standard adopted by
212 the Woodlands Independent District may be enforced by the
213 District either through civil injunction or as a code violation
214 enforceable by the City of Tamarac pursuant to part I of chapter
215 162, Florida Statutes.

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

220 2. For purposes of enforcement of the regulations of the
221 Woodlands Independent District pursuant to part I of chapter 162



222 and section 162.03, Florida Statutes, each regulation shall be
223 deemed equal in dignity and stature and carry the force and
224 effect of a duly enacted section of the code of the City of
225 Tamarac. Penalties for violations of the Woodlands Independent
226 District shall be as provided in part I of chapter 162, Florida
227 Statutes.

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

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

246 (15) To make and collect special assessments pursuant to
247 sections 197.3632 and 197.3635, Florida Statutes, to pay for
248 improvements to the District, enforcement of enacted standards
249 and regulations, and reasonable expense of operating the



250 District, including the payment of expenses included in the
251 District's budget.

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

254 (17) To issue revenue bonds pursuant to section 189.4085,
255 Florida Statutes, and otherwise by general law to pay for
256 capital improvements necessary to meet the purpose of the
257 District.

258 (18) To issue refunding bonds pursuant to section
259 189.4085, Florida Statutes, and otherwise by general law to
260 refund any bonds then outstanding which shall have been issued
261 under the provisions of this act.

262 (19) The District shall not be empowered or authorized in
263 any manner to create a debt as against the state, county, or any
264 or all of the cities, and may not pledge the full faith and
265 credit of the state, county, or any of the cities. All revenue
266 bonds or debt obligations shall contain on the face thereof a
267 statement to the effect that the state, county, or any of the
268 cities in which the District is located shall not be obligated
269 to pay the same and neither the full faith and credit nor the
270 taxing power of the state or of any political subdivision
271 thereof is pledged to the payment of the principal of or the
272 interest on such bonds. The issuance of revenue or refunding
273 bonds under the provisions of this act shall not directly,
274 indirectly, or contingently obligate the state, county, or city
275 in which the District is located to levy or pledge any form of
276 taxation whatever therefor or to make any appropriation for
277 their payment.



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

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

282 (22) To apply on behalf of the District and be eligible to
283 receive planning grants and technical assistance as a local
284 government neighborhood improvement district pursuant to section
285 163.517, Florida Statutes.

286 Section 6. Organization, compensation, and administrative
287 duties of the governing board of the District shall commence on
288 April 1, 2004.

289 (1) There shall be at least one regular meeting of the
290 governing board of the Woodlands Independent District every
291 second month. The regular meetings of the governing board shall
292 be conducted at a building located within the geographic
293 boundaries of the District. The meetings shall be held pursuant
294 to sections 189.416 and 189.417, Florida Statutes.

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

298 (3) The members of the governing board shall serve without
299 compensation except for reimbursement of responsibility and
300 necessary expenses as provided for in chapter 112, Florida
301 Statutes.

302 Section 7. The District shall comply with the financial
303 disclosure, noticing, and reporting requirements of section
304 189.418, Florida Statutes. The District shall prepare and submit
305 reports, budgets, and audits as provided in sections 189.415 and



306 189.418, Florida Statutes, except as otherwise provided herein.

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

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

311 Section 10. The Woodlands Independent District shall
312 cooperate with and be subject to the paramount authority of the
313 City of Tamarac, including, but not limited to, the adoption,
314 amendment, or repeal of any ordinance. All City of Tamarac
315 governmental planning, environmental, and land development laws,
316 regulations, and ordinances apply to all development of the land
317 within the Woodlands Independent District. The District shall
318 take no action, now or in the future, which is inconsistent with
319 applicable comprehensive plans and, except as provided in
320 subsection (13) of section 5, ordinances or regulations of the
321 City of Tamarac. No fee, charge, or assessment imposed by the
322 District shall entitle any resident or landowner within the
323 District to seek or obtain relief from any fee, charge,
324 assessment, or tax imposed by the City of Tamarac. All property
325 or facilities, including, but not limited to, street lights,
326 parks, streets, drainage, utilities, swales, or other public
327 projects owned by or constructed by the District, shall conform
328 to and comply with the applicable standards and ordinances of
329 the City of Tamarac with respect to comparable property or
330 facilities. The District does not have the power of a local
331 government to adopt a comprehensive plan pursuant to chapter
332 163, Florida Statutes.



333 Section 11. (1) The City of Tamarac shall remit a ballot
334 to any owner of a freehold not wholly exempt from taxation
335 within the area described in section 3 who shall be eligible to
336 vote in any referendum election provided for in this act. The
337 owner of such freehold shall be determined by the city clerk
338 from the most recent real property assessment roll prepared by
339 the property appraiser pursuant to general law prior to the
340 scheduled referendum election. However, the grantees by
341 conveyance of a freehold in the area described in section 3
342 subsequent to the most recent real property assessment roll may
343 present evidence of such conveyance to the city clerk of the
344 City of Tamarac not later than 60 days prior to the date of a
345 referendum election, pursuant to this section, whereupon the
346 clerk, after verifying such conveyance, shall substitute the
347 name of the grantee as an elector in place of the owner
348 appearing on the real property assessment roll. No more than one
349 ballot per freehold shall be cast in any referendum election.
350 Said ballot shall be sent by first class mail not earlier than
351 October 1, 2003, and not later than October 15, 2003. Each
352 ballot shall be addressed to each property owner at the address
353 for the property within the Woodlands Independent District in
354 the official records of the Property Appraiser of Broward
355 County. Each ballot shall state the following:

356
357 There shall be created the Woodlands Independent District.

358
359 The Woodlands Independent District shall be created with
360 the power to adopt and enforce property maintenance,



361 aesthetic, and architectural standards more stringent than
 362 the City of Tamarac. The Woodlands Independent District
 363 shall have the power to make and create special
 364 assessments.

365
 366 Yes
 367 No
 368

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

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

377 Section 12. This act shall be liberally construed in order
 378 to effectuate its purposes.

379 Section 13. This act shall take effect only upon its
 380 approval by a majority vote of the freehold owners described in
 381 section 11 in the area described in section 3 voting in a
 382 referendum election to be called by the City of Tamarac, except
 383 that section 11 and this section shall take effect upon becoming
 384 a law.
 385