

Bill No. SB 2928

Amendment No. \_\_\_\_ Barcode 945808

CHAMBER ACTION

Senate

House

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Senator Geller moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. There shall be 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 constituted. The standards would exceed those of the municipality in which it resides and would allow the Woodlands to ensure that the community, through its own elected officials, is in control of its appearance and standards. Further, the District would have such powers as are afforded to neighborhood improvement districts, thereby ensuring that the Woodlands community would continue to retain

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1 aesthetic appearance and property value.

2           Section 2. The purpose of the District shall be to  
3 maintain the appearance, aesthetics, and architectural  
4 standards of all private property within the District. The  
5 District shall further ensure that the general appearance of  
6 all homes and structures is kept at a standard provided by  
7 restrictions and covenants originally intended. The District  
8 shall have additional powers as generally granted to  
9 neighborhood improvement districts pursuant to chapter 189,  
10 Florida Statutes.

11           Section 3. The boundaries of the Woodlands Independent  
12 District are as follows:

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

16           SUBDISTRICT 1

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

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

25           SUBDISTRICT 2

26           THE WOODLANDS, SECTION TWO - PHASE ONE, as  
27 recorded in Plat Book 66, Page 23, of the  
28 Public Records of Broward County, Florida,  
29 together with;

30           SUBDISTRICT 3

31           THE WOODLANDS, THIRD SECTION, as recorded in

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1           Plat Book 66, Page 24, of the Public Records of  
2           Broward County, Florida, together with;  
3           SUBDISTRICT 4  
4           THE WOODLANDS, SECTION FOUR, as recorded in  
5           Plat Book 66, Page 25, of the Public Records of  
6           Broward County, Florida, together with;  
7           THE WOODLANDS COUNTRY CLUB, as recorded in Plat  
8           Book 67, Page 30, of the Public Records of  
9           Broward County, Florida, together with;  
10           SUBDISTRICT 5  
11           THE WOODLANDS, SECTION FIVE, as recorded in  
12           Plat Book 67, Page 43, of the Public Records of  
13           Broward County, Florida.  
14           SUBDISTRICT 6  
15           THE WOODLANDS, SECTION SIX, as recorded in Plat  
16           Book 67, Page 40, of the Public Records of  
17           Broward County, Florida, together with;  
18           SUBDISTRICT 7  
19           THE WOODLANDS, SECTION SEVEN, as recorded in  
20           Plat Book 67, Page 41, of the Public Records of  
21           Broward County, Florida, together with;  
22           SUBDISTRICT 8  
23           THE WOODLANDS, SECTION EIGHT, as recorded in  
24           Plat Book 67, Page 42, of the Public Records of  
25           Broward County, Florida.

26  
27           Section 4. Subsequent to March 19, 2004, the  
28 governing board of the Woodlands Independent District  
29 shall be composed of nine members who shall be owners  
30 of freeholds not wholly exempt from taxation in the  
31 area described in section 3.

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1       (1) The initial governing body of the Woodlands  
2 Independent District shall be composed of nine members  
3 consisting of the president of each of the Woodlands  
4 Homeowners Associations sections 1-8, as described in section  
5 3 of this act, along with the president of the Woodlands  
6 Homeowners Association board of directors following the  
7 effective date of this act. Said board shall function only  
8 through March 19, 2004. The sole function of said initial  
9 board shall be to adopt a resolution authorizing imposition of  
10 a non-ad valorem special assessment for all private properties  
11 within the Woodlands Independent District and to comply with  
12 all other provisions of section 197.3632(3)(a), Florida  
13 Statutes.

14       (2) Thereafter, members of the board of the Woodlands  
15 Independent District shall be elected by mail ballot submitted  
16 to each of the owners of a freehold not wholly exempt from  
17 taxation within the area described in section 3. The mail  
18 ballot shall be sent by first class mail to the owners of  
19 freeholds not wholly exempt from taxation within the area  
20 described in section 3 not earlier than February 15, 2004, and  
21 no later than March 1, 2004. Each owner of a freehold not  
22 wholly exempt from taxation within the area described in  
23 section 3 shall mail, deliver, or have delivered the marked  
24 ballot provided in this subsection so that it is received by  
25 the Clerk of the City of Tamarac no later than 5 p.m. on March  
26 19, 2004. The individual receiving the greatest number of  
27 votes, who reside in each of the eight subdistricts in the  
28 Woodlands Independent District and are owners of freeholds not  
29 wholly exempt from taxation in the area described in section  
30 3, from among the candidates residing within each subdistrict  
31 who have qualified for election 60 days prior to the election,

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1 shall be elected to the governing board from said subdistrict.  
2 A ninth member of the board shall be elected in the same  
3 manner as the previous eight board members, except that  
4 candidates for the ninth member, may qualify by residing  
5 anywhere within the Woodlands Independent District, and shall  
6 be elected at large.

7       (3) Members of the governing board shall serve a  
8 3-year term. Subsequent elections shall be called by the Board  
9 in the same manner as provided for in the initial elections  
10 and shall be scheduled in order to provide no lapse in  
11 representation.

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

15       (5) Any vacancy in the membership of the governing  
16 board resulting from the death, resignation, or removal of any  
17 such board member or from any other cause shall be filled for  
18 the remainder of the term by election within 30 days after the  
19 occurrence of such vacancy. However, in the event that the  
20 remaining term is 60 days or less, the vacancy shall be filled  
21 by election in a manner consistent with subsection (2).

22       Section 5. The governing board of the Woodlands  
23 Independent District shall have the following powers  
24 commencing on March 20, 2004:

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

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

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

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1 interest and grant and acquire licenses, easements, and  
2 options with respect thereto.

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

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

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

11 (7) To cooperate and contract with governmental  
12 agencies or other public bodies.

13 (8) To contract for services of planning consultants,  
14 experts on crime prevention through community policing  
15 innovations, environmental design, environmental security, or  
16 defensible space or other experts in areas pertaining to the  
17 operation of the governing board of the District.

18 (9) To contract with the county or municipal  
19 government for planning assistance and for increased levels of  
20 law enforcement protection, code enforcement, and security,  
21 including personnel to provide any functions necessary for the  
22 accomplishment of its purposes. The Woodlands Independent  
23 District shall be responsible for all costs and expenses  
24 incurred under the agreement.

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

29 (11) To undertake innovative approaches to securing  
30 neighborhoods from crime, blight, and failure to maintain  
31 property to community standards.

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1       (12) To provide for crime prevention through community  
2 policing innovations, environmental design, environmental  
3 security, and defensible space.

4       (13) To adopt property maintenance, aesthetic, and  
5 architectural standards more stringent than those adopted by  
6 ordinance of the City of Tamarac within the boundaries of the  
7 Woodlands Independent District.

8       (a) Said standards shall be set only by adoption of a  
9 resolution of the board after two public hearings as provided  
10 for in section 166.041(3)(c), Florida Statutes, except that  
11 any reference in said section of Florida Statutes to the  
12 ordinances of a municipality shall also relate to the  
13 resolution of the Woodlands Independent District.

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

18       (c) Each regulation adopted by the Woodlands  
19 Independent District shall be filed with the Clerk of the  
20 Woodlands Independent District and the City Clerk of the City  
21 of Tamarac.

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

25       (e) Once enacted, each resolution shall be an  
26 enforceable regulation as to private property within the  
27 Woodlands Independent District. Each violation of a standard  
28 adopted by the Woodlands Independent District may be enforced  
29 by the District either through civil injunction or as a code  
30 violation enforceable by the City of Tamarac pursuant to part  
31 I of chapter 162, Florida Statutes.

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

5           2. For purposes of enforcement of the regulations of  
6 the Woodlands Independent District pursuant to part I of  
7 chapter 162 and section 162.03, Florida Statutes, each  
8 regulation shall be deemed equal in dignity and stature and  
9 carry the force and effect of a duly enacted section of the  
10 code of the City of Tamarac. Penalties for violations of the  
11 Woodlands Independent District shall be as provided in part I  
12 of chapter 162, Florida Statutes.

13           (f) The Woodlands Independent District shall enter  
14 into an interlocal agreement with the City of Tamarac for  
15 enforcement of the Woodlands Independent District standards  
16 and regulations pursuant to part I of chapter 162, Florida  
17 Statutes. The interlocal agreement shall provide that the  
18 Woodlands Independent District shall indemnify and hold  
19 harmless the City of Tamarac and its elected officials,  
20 agents, and employees from and against any claim or legal  
21 action that may arise from the actions of the district or its  
22 officers, employees, or agents. Additionally, the Woodlands  
23 Independent District shall maintain insurance satisfactory to  
24 the City of Tamarac, naming the City of Tamarac as an  
25 additional insured, for the term of the interlocal agreement.

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

31           (15) To make and collect special assessments pursuant



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1 to sections 197.3632 and 197.3635, Florida Statutes, to pay  
2 for improvements to the District, enforcement of enacted  
3 standards and regulations, and reasonable expense of operating  
4 the District, including the payment of expenses included in  
5 the District's budget.

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

8 (17) To issue revenue bonds pursuant to section  
9 189.4085, Florida Statutes, and otherwise by general law to  
10 pay for capital improvements necessary to meet the purpose of  
11 the District.

12 (18) To issue refunding bonds pursuant to section  
13 189.4085, Florida Statutes, and otherwise by general law to  
14 refund any bonds then outstanding which shall have been issued  
15 under the provisions of this act.

16 (19) The District shall not be empowered or authorized  
17 in any manner to create a debt as against the state, county,  
18 or any or all of the cities, and may not pledge the full faith  
19 and credit of the state, county, or any of the cities. All  
20 revenue bonds or debt obligations shall contain on the face  
21 thereof a statement to the effect that the state, county, or  
22 any of the cities in which the District is located shall not  
23 be obligated to pay the same and neither the full faith and  
24 credit nor the taxing power of the state or of any political  
25 subdivision thereof is pledged to the payment of the principal  
26 of or the interest on such bonds. The issuance of revenue or  
27 refunding bonds under the provisions of this act shall not  
28 directly, indirectly, or contingently obligate the state,  
29 county, or city in which the District is located to levy or  
30 pledge any form of taxation whatever therefor or to make any  
31 appropriation for their payment.

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

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

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

9           Section 6. Organization, compensation, and  
10 administrative duties of the governing board of the District  
11 shall commence on April 1, 2004.

12           (1) There shall be at least one regular meeting of the  
13 governing board of the Woodlands Independent District every  
14 second month. The regular meetings of the governing board  
15 shall be conducted at a building located within the geographic  
16 boundaries of the District. The meetings shall be held  
17 pursuant to sections 189.416 and 189.417, Florida Statutes.

18           (2) Special meetings or workshop meetings of the  
19 governing board may be called from time to time by the chair,  
20 the vice chair, or a majority of the members of the governing  
21 board.

22           (3) The members of the governing board shall serve  
23 without compensation except for reimbursement of  
24 responsibility and necessary expenses as provided for in  
25 chapter 112, Florida Statutes.

26           Section 7. The District shall comply with the  
27 financial disclosure, noticing, and reporting requirements of  
28 section 189.418, Florida Statutes. The District shall prepare  
29 and submit reports, budgets, and audits as provided in  
30 sections 189.415 and 189.418, Florida Statutes, except as  
31 otherwise provided herein.

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

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

5           Section 10. The Woodlands Independent District shall  
6 cooperate with and be subject to the paramount authority of  
7 the City of Tamarac, including, but not limited to, the  
8 adoption, amendment, or repeal of any ordinance. All City of  
9 Tamarac governmental planning, environmental, and land  
10 development laws, regulations, and ordinances apply to all  
11 development of the land within the Woodlands Independent  
12 District. The District shall take no action, now or in the  
13 future, which is inconsistent with applicable comprehensive  
14 plans and, except as provided in subsection (13) of section 5,  
15 ordinances or regulations of the City of Tamarac. No fee,  
16 charge, or assessment imposed by the District shall entitle  
17 any resident or landowner within the District to seek or  
18 obtain relief from any fee, charge, assessment, or tax imposed  
19 by the City of Tamarac. All property or facilities,  
20 including, but not limited to, street lights, parks, streets,  
21 drainage, utilities, swales, or other public projects owned by  
22 or constructed by the District, shall conform to and comply  
23 with the applicable standards and ordinances of the City of  
24 Tamarac with respect to comparable property or facilities. The  
25 District does not have the power of a local government to  
26 adopt a comprehensive plan pursuant to chapter 163, Florida  
27 Statutes.

28           Section 11. (1) The City of Tamarac shall remit a  
29 ballot to any elector who is the owner of a freehold not  
30 wholly exempt from taxation within the area described in  
31 section 3 who shall be eligible to vote in any referendum

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1 election provided for in this act. The owner of such freehold  
2 shall be determined by the city clerk from the most recent  
3 real property assessment roll prepared by the property  
4 appraiser pursuant to general law prior to the scheduled  
5 referendum election. However, the grantees by conveyance of a  
6 freehold in the area described in section 3 subsequent to the  
7 most recent real property assessment roll may present evidence  
8 of such conveyance to the city clerk of the City of Tamarac  
9 not later than 60 days prior to the date of a referendum  
10 election, pursuant to this section, whereupon the clerk, after  
11 verifying such conveyance, shall substitute the name of the  
12 grantee as an elector in place of the owner appearing on the  
13 real property assessment roll. No more than one (1) ballot per  
14 freehold shall be cast in any referendum election. Said ballot  
15 shall be sent by first class mail not earlier than October 1,  
16 2003, and not later than October 15, 2003. Each ballot shall  
17 be addressed to each property owner at the address for the  
18 property within the Woodlands Independent District in the  
19 official records of the Property Appraiser of Broward County.  
20 Each ballot shall state the following:

21  
22 There shall be created the Woodlands  
23 Independent District.

24  
25 The Woodlands Independent District shall be  
26 created with the power to adopt and enforce  
27 property maintenance, aesthetic, and  
28 architectural standards more stringent than the  
29 City of Tamarac. The Woodlands Independent  
30 District shall have the power to make and  
31 create special assessments.

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Yes

No

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

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

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

Section 13. This act shall take effect only upon its approval by a majority vote of those qualified electors of the area described in section 3 of this act voting in a referendum election to be called by the City of Tamarac, in accordance with the provisions of section 11 of this act, except that section 11 and this section shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to Broward County; creating the

Woodlands Independent District within the City

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

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