

By Senator Geller

31-2098C-03

See HB 1569

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

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. There shall be created in Broward County,
29 within the City of Tamarac, an independent special district to
30 be known by the popular name "the Woodlands Independent
31 District," hereinafter referred to as the District. The

1 creation of the Woodlands Independent District is the best
2 alternative as this District would provide for enforceable
3 standards which would comport with those expired deed
4 restrictions and covenants upon which the community of the
5 Woodlands was originally constituted. The standards would
6 exceed those of the municipality in which it resides and would
7 allow the Woodlands to ensure that the community, through its
8 own elected officials, is in control of its appearance and
9 standards. Further, the District would have such powers as are
10 afforded to neighborhood improvement districts, thereby
11 ensuring that the Woodlands community would continue to retain
12 aesthetic appearance and property value.

13 Section 2. The purpose of the District shall be to
14 maintain the appearance, aesthetics, and architectural
15 standards of all private property within the District. The
16 District shall further ensure that the general appearance of
17 all homes and structures is kept at a standard provided by
18 restrictions and covenants originally intended. The District
19 shall have additional powers as generally granted to
20 neighborhood improvement districts.

21 Section 3. The boundaries of the Woodlands Independent
22 District are as follows:

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

26 SUBDISTRICT 1

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

31

1 THE WOODLANDS, SECTION ONE - PHASE TWO, as
2 recorded in Plat Book 67, Page 23, of the
3 Public Records of Broward County, Florida,
4 together with;
5 SUBDISTRICT 2
6 THE WOODLANDS, SECTION TWO - PHASE ONE, as
7 recorded in Plat Book 66, Page 23, of the
8 Public Records of Broward County, Florida,
9 together with;
10 SUBDISTRICT 3
11 THE WOODLANDS, THIRD SECTION, as recorded in
12 Plat Book 66, Page 24, of the Public Records of
13 Broward County, Florida, together with;
14 SUBDISTRICT 4
15 THE WOODLANDS, SECTION FOUR, as recorded in
16 Plat Book 66, Page 25, of the Public Records of
17 Broward County, Florida, together with;
18 THE WOODLANDS COUNTRY CLUB, as recorded in Plat
19 Book 67, Page 30, of the Public Records of
20 Broward County, Florida, together with;
21 SUBDISTRICT 5
22 THE WOODLANDS, SECTION FIVE, as recorded in
23 Plat Book 67, Page 43, of the Public Records of
24 Broward County, Florida.
25 SUBDISTRICT 6
26 THE WOODLANDS, SECTION SIX, as recorded in Plat
27 Book 67, Page 40, of the Public Records of
28 Broward County, Florida, together with;
29 SUBDISTRICT 7
30
31

1 THE WOODLANDS, SECTION SEVEN, as recorded in
2 Plat Book 67, Page 41, of the Public Records of
3 Broward County, Florida, together with;
4 SUBDISTRICT 8
5 THE WOODLANDS, SECTION EIGHT, as recorded in
6 Plat Book 67, Page 42, of the Public Records of
7 Broward County, Florida.

8
9 Section 4. Subsequent to March 19, 2004, the governing
10 board of the Woodlands Independent District shall be composed
11 of nine members who shall be qualified voters of the state and
12 residents within the boundary of the District.

13 (1) The initial governing body of the Woodlands
14 Independent District shall be composed of nine members
15 consisting of the president of each of the Woodlands
16 Homeowners Associations sections 1-8, as described in section
17 3 of this act, along with the president of the Woodlands
18 Homeowners Association board of directors following the
19 effective date of this act. Said board shall function only
20 through March 19, 2004. The sole function of said initial
21 board shall be to adopt a resolution authorizing imposition of
22 a non-ad valorem special assessment for all private properties
23 within the Woodlands Independent District and to comply with
24 all other provisions of section 197.3632(3)(a), Florida
25 Statutes.

26 (2) The members of the board of the Woodlands
27 Independent District shall be elected at a special election to
28 be called by Broward County on March 9, 2004, in accordance
29 with the provisions for elections contained in chapter 189,
30 Florida Statutes, and the Florida Election Code, except as
31 provided herein. The individual receiving the greatest number

1 of votes, of voters who reside in each of the eight
2 subdistricts in the Woodlands Independent District and are
3 qualified voters of the state voting in the election from
4 among the candidates residing within each subdistrict who have
5 qualified for election 60 days prior to the election, shall be
6 elected to the governing board from said subdistrict. A ninth
7 member of the board shall be elected in the same manner as the
8 previous eight board members, except that a candidate may
9 qualify by residing anywhere within the Woodlands Independent
10 District and shall be elected at large. The initial governing
11 board shall remain in their respective offices until the
12 election of their successors.

13 (3) Subsequent election of the members of the
14 governing board of the Woodlands Independent District shall
15 coincide with the date of the Tamarac City Commission
16 scheduled for 2006, with the elections and qualifications as
17 provided in subsection (1). Each member of the governing board
18 shall be elected for a 3-year term thereafter to coincide with
19 the date of the Tamarac municipal election scheduled.

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

23 (5) Any vacancy in the membership of the governing
24 board resulting from the death, resignation, or removal of any
25 such board member or from any other cause shall be filled for
26 the remainder of the term by election within 30 days after the
27 occurrence of such vacancy. However, in the event that the
28 remaining term is 60 days or less, the vacancy shall be filled
29 by election to coincide with the next Tamarac municipal
30 election.

31

1 Section 5. The governing board of the Woodlands
2 Independent District shall have the following powers
3 commencing on March 20, 2004:

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

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

7 (3) To acquire, own, convey, or otherwise dispose of,
8 lease as lessor or lessee, construct, maintain, improve,
9 enlarge, raise, relocate, operate, and manage property and
10 facilities of whatever type to which it holds an appropriate
11 interest and grant and acquire licenses, easements, and
12 options with respect thereto.

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

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

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

21 (7) To cooperate and contract with governmental
22 agencies or other public bodies.

23 (8) To contract for services of planning consultants,
24 experts on crime prevention through community policing
25 innovations, environmental design, environmental security, or
26 defensible space or other experts in areas pertaining to the
27 operation of the governing board of the District.

28 (9) To contract with the county or municipal
29 government for planning assistance and for increased levels of
30 law enforcement protection, code enforcement, and security,
31 including personnel to provide any functions necessary for the

1 accomplishment of its purposes. The Woodlands Independent
2 District shall be responsible for all costs and expenses
3 incurred under the agreement.

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

8 (11) To undertake innovative approaches to securing
9 neighborhoods from crime, blight, and failure to maintain
10 property to community standards.

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

14 (13) To adopt property maintenance, aesthetic, and
15 architectural standards more stringent than those adopted by
16 ordinance of the City of Tamarac within the boundaries of the
17 Woodlands Independent District.

18 (a) Said standards shall be set only by adoption of a
19 resolution of the board after two public hearings as provided
20 for in section 166.041(3)(c), Florida Statutes, except that
21 any reference in said section of Florida Statutes to the
22 ordinances of a municipality shall also relate to the
23 resolution of the Woodlands Independent District.

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

28 (c) Each regulation adopted by the Woodlands
29 Independent District shall be filed with the Clerk of the
30 Woodlands Independent District and the City Clerk of the City
31 of Tamarac.

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

4 (e) Once enacted, each resolution shall be an
5 enforceable regulation as to private property within the
6 Woodlands Independent District. Each violation of a standard
7 adopted by the Woodlands Independent District may be enforced
8 by the District either through civil injunction or as a code
9 violation enforceable by the City of Tamarac pursuant to part
10 I of chapter 162, Florida Statutes.

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

15 2. For purposes of enforcement of the regulations of
16 the Woodlands Independent District pursuant to part I of
17 chapter 162 and section 162.03, Florida Statutes, each
18 regulation shall be deemed equal in dignity and stature and
19 carry the force and effect of a duly enacted section of the
20 code of the City of Tamarac. Penalties for violations of the
21 Woodlands Independent District shall be as provided in part I
22 of chapter 162, Florida Statutes.

23 (f) The Woodlands Independent District shall enter
24 into an interlocal agreement with the City of Tamarac for
25 enforcement of the Woodlands Independent District standards
26 and regulations pursuant to part I of chapter 162, Florida
27 Statutes. The interlocal agreement shall provide that the
28 Woodlands Independent District shall indemnify and hold
29 harmless the City of Tamarac, its elected officials, agents,
30 and employees from and against any claim or legal action that
31 may arise from the actions of the district, its officers,

1 employees, or agents. Additionally, the Woodlands Improvement
2 District shall maintain insurance satisfactory to the City of
3 Tamarac, naming the City of Tamarac as an additional insured,
4 for the term of the interlocal agreement.

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

10 (15) To make and collect special assessments pursuant
11 to sections 197.3632 and 197.3635, Florida Statutes, to pay
12 for improvements to the District, enforcement of enacted
13 standards and regulations, and reasonable expense of operating
14 the District, including the payment of expenses included in
15 the District's budget.

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

18 (17) To issue revenue bonds pursuant to section
19 189.4085, Florida Statutes, and otherwise by general law to
20 pay for capital improvements necessary to meet the purpose of
21 the District.

22 (18) To issue refunding bonds pursuant to section
23 189.4085, Florida Statutes, and otherwise by general law to
24 refund any bonds then outstanding which shall have been issued
25 under the provisions of this act.

26 (19) The District shall not be empowered or authorized
27 in any manner to create a debt as against the state, county,
28 or any or all of the cities, and may not pledge the full faith
29 and credit of the state, county, or any of the cities. All
30 revenue bonds or debt obligations shall contain on the face
31 thereof a statement to the effect that the state, county, or

1 any of the cities in which the District is located shall not
2 be obligated to pay the same and neither the full faith and
3 credit nor the taxing power of the state or of any political
4 subdivision thereof is pledged to the payment of the principal
5 of or the interest on such bonds. The issuance of revenue or
6 refunding bonds under the provisions of this act shall not
7 directly, indirectly, or contingently obligate the state,
8 county, or city in which the District is located to levy or
9 pledge any form of taxation whatever therefor or to make any
10 appropriation for their payment.

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

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

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

19 Section 6. Organization, compensation, and
20 administrative duties of the governing board of the District
21 shall commence on April 1, 2004.

22 (1) There shall be at least one regular meeting of the
23 governing board of the Woodlands Independent District every
24 second month. The regular meetings of the governing board
25 shall be conducted at a building located within the geographic
26 boundaries of the District. The meetings shall be held
27 pursuant to sections 189.416 and 189.417, Florida Statutes.

28 (2) Special meetings or workshop meetings of the
29 governing board may be called from time to time by the chair,
30 the vice chair, or a majority of the members of the governing
31 board.

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

5 Section 7. The District shall comply with the
6 financial disclosure, noticing, and reporting requirements of
7 section 189.418, Florida Statutes. The District shall prepare
8 and submit reports, budgets, and audits as provided in
9 sections 189.415 and 189.418, Florida Statutes, except as
10 otherwise provided herein.

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

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

15 Section 10. The Woodlands Independent District shall
16 cooperate with and be subject to the paramount authority of
17 the City of Tamarac, including, but not limited to, the
18 adoption, amendment, or repeal of any ordinance. All City of
19 Tamarac governmental planning, environmental, and land
20 development laws, regulations, and ordinances apply to all
21 developmental laws, regulations, and ordinances apply to all
22 development of the land within the Woodlands Independent
23 District. The District shall take no action, now or in the
24 future, which is consistent with applicable comprehensive
25 plans, and except as provided in subsection (13) of section 5
26 of this act, with ordinances or regulations of the City of
27 Tamarac. No fee, charge, or assessment imposed by the district
28 shall entitle any resident or landowner within the District to
29 seek or obtain relief from any fee, charge, assessment, or tax
30 imposed by the City of Tamarac. All property or facilities,
31 including, but not limited to, street lights, parks, streets,

1 drainage, utilities, swales, or other public projects owned by
2 or constructed by the District shall conform to and comply
3 with the applicable standards and ordinances of the City of
4 Tamarac with respect to comparable property or facilities. The
5 District does not have the power of a local government to
6 adopt a comprehensive plan under chapter 163, Florida
7 Statutes.

8 Section 11. (1) The Woodlands Homeowners' Association
9 Board of Directors shall remit a ballot to each of the owners
10 of property within the boundaries of the Woodlands Independent
11 District as described in this act. The ballot shall be sent by
12 first-class mail not earlier than July 20, 2003, and not later
13 than August 1, 2003. Each ballot shall be addressed to each
14 property owner at the address for the property within the
15 Woodlands Independent District in the official records of the
16 Property Appraiser of Broward County. Each ballot shall state
17 the following:

18
19 There shall be created the Woodlands
20 Independent District.

21
22 The Woodlands Independent District shall be
23 created with the power to adopt and enforce
24 property maintenance, aesthetic, and
25 architectural standards more stringent than the
26 City of Tamarac. The Woodlands Independent
27 District shall have the power to make and
28 create special assessments.

29
30 Yes

31 No

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
29
30
31

Each property owner shall mail, deliver, or have delivered the marked ballot provided in this subsection, so that it reaches the place designated in the ballot, by the Woodlands Homeowners' Association Board of Directors no later than 5 p.m. on September 1, 2003.

(2) The Woodlands Independent District shall be created only if the Woodlands Homeowners' Association Board of Directors receive affirmative votes of a majority of all ballots received pursuant to this section.

Section 12. This act shall take effect upon becoming a law.