

By Senator Bennett

21-1453-06

See HB

1 A bill to be entitled

2 An act relating to the Pinecraft Lighting

3 District, Sarasota County; codifying, amending,

4 reenacting, and repealing chapters 71-911,

5 72-689, and 76-486, Laws of Florida; providing

6 for maximum limits on special assessments

7 levied by the district; providing for powers,

8 duties, liabilities, and administration of the

9 district; providing for a board of

10 commissioners and its membership, appointment,

11 powers, and duties; providing for the levy,

12 collection, and enforcement of special

13 assessments and the creation of liens upon

14 lands in the district; providing definitions;

15 providing for severability; providing an

16 effective date.

18 Be It Enacted by the Legislature of the State of Florida:

20 Section 1. (1) The reenactment of existing law in

21 this act shall not be construed as a grant of additional

22 authority to nor to supersede the authority of any entity

23 pursuant to law. Exceptions to law contained in any special

24 act that are reenacted pursuant to this act shall continue to

25 apply.

26 (2) The reenactment of existing law in this act shall

27 not be construed to modify, amend, or alter any covenants,

28 contracts, or other obligations of the district with respect

29 to bonded indebtedness. Nothing pertaining to the reenactment

30 of existing law in this act shall be construed to affect the

31 ability of the district to levy and collect taxes,

1 assessments, fees, or charges for the purpose of redeeming or
2 servicing bonded indebtedness of the district.

3 Section 2. Chapters 71-911, 72-689, and 76-486, Laws
4 of Florida, are codified, reenacted, amended, and repealed as
5 provided in this act.

6 Section 3. The Pinecraft Lighting District is
7 re-created and the charter for the district is re-created and
8 reenacted to read:

9 Section 1. The boundaries of the Pinecraft Lighting
10 District shall include the following lands in Sarasota County:

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12 All that part of section 28, township 36 south,
13 range 18 east, Sarasota County, Florida,
14 bounded on the east side by Beneva Road, on the
15 south side by Waldemere Street, and south line
16 of Homecroft subdivision, and by Phillipi Creek
17 on the north and west sides, more specifically
18 known as Pinecraft subdivision lots 1 through
19 539, namely, Kaufman, Yoder, Miller, Krupp,
20 Good, Gilbert, Tice, File, and Carter Avenues
21 and Zook Place, and Homecroft subdivision
22 blocks A through Q, namely, Schrock, Estrada,
23 Clarinda, Bimini, Hacienda, Gardenia, and
24 Birkly Streets.

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26 Section 2. The business and affairs of the district
27 shall be conducted and administered by a board of five
28 commissioners. The commissioners, upon their appointment and
29 qualification and annually in January, shall organize by
30 electing from their number a chair, vice chair, and
31 secretary-treasurer. The commissioners shall not receive any

1 compensation for their services as such, but the
2 secretary-treasurer may be paid not more than \$300 per annum
3 from the funds of the district for his or her services as
4 secretary-treasurer. Each commissioner shall, before he or she
5 enters upon his or her duties as commissioner, execute to the
6 Governor, for the benefit of the district, a good and
7 sufficient bond approved by the Circuit Court of Sarasota
8 County, in the sum of \$1,000, with a qualified corporate
9 surety conditioned to faithfully perform the duties of
10 commissioner and to account for all funds to come into his or
11 her hands as commissioner. All premiums for surety on all such
12 bonds shall be paid from the funds of the district.

13 Section 3. (1) Each commissioner shall hold office
14 until his or her successor is appointed and qualified, unless
15 such commissioner ceases to be qualified to act as
16 commissioner or is removed from office.

17 (2)(a) Successful candidates for the office of
18 commissioner shall take office 2 weeks after their election
19 and shall serve for 4-year terms each.

20 (b) All electors of the district shall be eligible for
21 election to the office of commissioner. The commissioners
22 shall be elected by the qualified electors of the district.

23 Section 4. (1) The district shall have the right,
24 power, and authority to levy special assessments for special
25 lighting benefits against the real estate in the district to
26 provide funds for the purpose of the district. The rate of
27 such special assessments for special lighting benefits shall
28 be fixed by a resolution of the board of commissioners, as
29 hereinafter provided, but shall in no event exceed the sum of
30 \$75 per annum on any one business firm; the sum of \$30 per
31 annum on a home and the parcel of land on which it is located,

1 if not in excess of 1 acre; and \$2 per lot on vacant lots in
2 platted subdivisions and \$2 per acre or fraction thereof on
3 unsubdivided acreage. Apartment buildings and tourist courts
4 shall be construed as one business firm.

5 (2) The county property appraiser shall furnish to the
6 commissioners of the district a tax roll covering all taxable
7 properties within the district on which the district
8 commissioners will place the levy for each piece of property
9 thereon on or before September 1 of each year. Any property
10 owner in the district shall each year have the right, during a
11 10-day period to be set by the board after the rolls have had
12 the levy recorded thereon and prior to the billing being
13 mailed, to file a protest in writing against the proposed
14 special assessments for special lighting benefits as to the
15 amount thereof, and to appear before the board in support of
16 such protest. The board shall hold a meeting or meetings
17 during the period to consider such protest and make
18 adjustments to the rolls.

19 (3) Immediately after the adjustment period, the board
20 shall adopt a resolution fixing the rate of special assessment
21 for special lighting benefits and shall return the tax roll to
22 the county property appraiser, having first noted thereon the
23 levy against each parcel of property described thereon. The
24 county property appraiser shall then include in the Sarasota
25 County tax roll the special assessments for special lighting
26 benefits thus made by the board of commissioners of the
27 Pinecraft Lighting District and the same shall be collected in
28 the manner and form as provided for the collection of county
29 taxes and paid monthly by the tax collector to the board of
30 commissioners. The county tax collector and the county
31 property appraiser shall each receive for his or her services

1 regarding such special assessment for special lighting
2 protection benefits 3 percent of the amount collected for the
3 tax collector and 3 percent of the amount assessed for the
4 property appraiser, which shall be considered as income of
5 each office respectively pursuant to s. 145.121(1), Florida
6 Statutes. The personnel required to do the special work shall
7 be paid for such special services from the compensation herein
8 provided.

9 Section 5. Such special assessment for special
10 lighting benefits shall be a lien upon the land so assessed
11 along with the county taxes against the same until the special
12 assessments for special lighting benefits have been paid and,
13 if the same become delinquent, shall be considered a part of
14 the county tax subject to the same penalties, charges, fees,
15 and remedies for enforcement and collection and shall be
16 enforced and collected as provided by the laws of the state
17 for the collection of such taxes.

18 Section 6. The proceeds of such special assessments
19 for special lighting benefit and the funds of the district
20 shall be deposited in the name of the district in a bank
21 authorized to receive deposits of county funds, which bank
22 shall be designated by a resolution of the board of
23 commissioners. No funds of the district shall be paid out or
24 disbursed save and except by check with the signature of at
25 least two commissioners.

26 Section 7. The board of commissioners shall have the
27 power and the authority to borrow money for the purposes of
28 the district in an amount not to exceed 50 percent of the
29 total income from the special assessment for special lighting
30 benefits of the year when such borrowing is done, provided,
31 however, that the total accumulative debt of the district

1 shall never exceed 50 percent of the total income in any 1
2 year. Neither the district commissioners as a body nor any one
3 of them as an individual shall be personally or individually
4 liable for the repayment of such loan; such repayment shall be
5 made out of the special assessments for special lighting
6 benefits receipts of the district. Except as provided in this
7 section, the district commissioners shall not create any
8 indebtedness or incur obligations for any sum or amount which
9 the board is unable to pay out of the district funds then in
10 its hands, provided, however, that the district commissioners
11 may make purchases of equipment on an installment basis as
12 necessary, if funds are available for the payment of the
13 current year's installment on such equipment plus the amount
14 due in that year for any other installments and the repayment
15 of any bank loan or other existing indebtedness that may be
16 due that year.

17 Section 8. No funds of the district shall be used for
18 any purpose other than the administration of the affairs and
19 business of the district; for the construction, care,
20 maintenance, upkeep, operation, and purchase of lighting
21 equipment or an office; for payment of public utilities such
22 as telephone and water; or for payments of salaries of an
23 engineer or maintenance personnel, as the board of
24 commissioners may from time to time determine to be for the
25 best interests of the district.

26 Section 9. The board of commissioners of the district
27 shall have the power and the authority to acquire by gift or
28 purchase a site and such lighting equipment as is deemed
29 necessary for the lighting of the district. The board shall
30 have the authority to hire, at salaries to be determined by
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1 the board, an engineer and one or more maintenance personnel
2 who shall operate the lighting equipment.

3 Section 10. (1) The officers of the board of
4 commissioners shall have the duties usually pertaining to,
5 vested in, and incumbent upon like officers. A record shall be
6 kept of all meetings of the board of commissioners and, in
7 such meetings, concurrence of a majority of the commissioners
8 shall be necessary to any affirmative action by the board.

9 (2) The board of commissioners may adopt such rules
10 and regulations not inconsistent with any portion of this act
11 as it may deem necessary in and about any transaction of its
12 business and in carrying out the provisions of this act.

13 Section 11. The board of commissioners shall, on or
14 before August 1, make an annual report of its actions and
15 accounting of its funds as of June 30 of each year.

16 Section 12. The special lighting district shall exist
17 until dissolved by law. Should any part of the territory
18 covered in this act be held not to be included herein, then
19 this act shall continue in effect as to the balance of the
20 territory.

21 Section 13. No suit, action, or proceeding shall be
22 instituted or maintained in any court against the district or
23 the commissioners, or any commissioner thereof, for or upon
24 any claim, right, or demand of any kind or nature, unless the
25 person or persons making such claim or demand or claiming such
26 right shall have given to the commissioners, or one of them,
27 within 30 days after the alleged accrual of such claim, right,
28 or demand, a notice in writing setting forth the nature of the
29 right, claim, or demand; the amount thereof; and the place and
30 manner in which such claim or right accrued, together with the
31 names and addresses of all witnesses by whom such claims,

1 rights, or demands are to be proved or established, all with
2 sufficient detail to enable the district or the commissioners
3 to fully investigate such claim, right or demand; and no suit,
4 action, or proceeding on any such demand shall be instituted
5 within 3 months after such notice shall be given.

6 Section 14. "District" means the special lighting
7 district hereby organized and "board of commissioners" means
8 the board of commissioners of and for the district when used
9 in this act, unless otherwise specified.

10 Section 15. If any clause, section, or provision of
11 this act is declared to be unconstitutional or invalid for any
12 cause or reason, the same shall be eliminated from this act,
13 and the remaining portion of the act shall be in force and
14 effect and be as valid as if such portion thereof had not been
15 incorporated therein.

16 Section 4. Chapters 71-911, 72-689, and 76-486, Laws
17 of Florida, are repealed.

18 Section 5. This act shall take effect upon becoming a
19 law.

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