

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

A bill to be entitled  
 An act relating to Pasco County; creating the Lake Padgett  
 Estates Independent Special District; providing a popular  
 name; providing definitions; stating legislative policy  
 regarding creation of the district; providing for creation  
 and establishment of the district and legal boundaries of  
 the district; providing for the jurisdiction and charter  
 of the district; providing for an initial governing board,  
 a board of supervisors, and board membership, meetings,  
 organization, powers, duties, terms of office, per diem,  
 salary, and election requirements; providing for  
 administrative duties of the board, district employees,  
 selection of a public depository, district budgets,  
 financial reports, and reviews; providing for the general  
 powers of the district; providing for the special powers  
 of the district to maintain, operate, and improve  
 community recreational amenities and associated  
 infrastructure and services within the district; providing  
 for borrowing and revenue sources including a referendum  
 to allow for the levying of an ad valorem tax within the  
 district; providing for competitive procurement; providing  
 for required notices to purchasers of real property within  
 the district; providing severability; providing an  
 effective date.

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

Section 1. This act may be cited as the "Lake Padgett

29 Estates Independent Special District Act."  
 30 Section 2. Definitions; policy.--  
 31 (1) DEFINITIONS.--As used in this act:  
 32 (a) "Assessable improvements" means, without limitation,  
 33 any and all improvements and community facilities that the  
 34 district is empowered to provide in accordance with this act  
 35 that provide a special benefit to property within the district.  
 36 (b) "Assessments" means those nonmillage district  
 37 assessments that include special assessments and maintenance  
 38 special assessments.  
 39 (c) "Board of supervisors" or "board" means the governing  
 40 board of the district after all members of the board of  
 41 supervisors have been elected pursuant to the provisions of  
 42 section 5 or, if such board has been abolished, the board, body,  
 43 or commission assuming the principal functions thereof or to  
 44 whom the powers given to the board by this act have been given  
 45 by law.  
 46 (d) "Cost" or "costs," when used with reference to any  
 47 project, includes, but is not limited to:  
 48 1. The expenses of determining the feasibility or  
 49 practicability of acquisition, construction, or reconstruction.  
 50 2. The cost of surveys, estimates, plans, and  
 51 specifications.  
 52 3. The cost of maintenance, operations, and improvements.  
 53 4. Engineering, fiscal, and legal expenses and charges.  
 54 5. The cost of all labor, materials, machinery, and  
 55 equipment.  
 56 6. The cost of all lands, properties, rights, easements,

57 and franchises acquired.  
 58 7. Financing charges.  
 59 8. The creation of initial reserve and debt service funds.  
 60 9. Working capital.  
 61 10. Interest charges incurred or estimated to be incurred  
 62 on money borrowed prior to and during construction and  
 63 acquisition and for such reasonable period of time after  
 64 completion of construction or acquisition as the board may  
 65 determine.  
 66 11. The cost of any tax referendum held pursuant to this  
 67 act.  
 68 12. Administrative expenses.  
 69 13. Such other expenses as may be necessary or incidental  
 70 to the acquisition, construction, or reconstruction of any  
 71 project, to the financing thereof, or to the development of any  
 72 lands within the district.  
 73 14. Payments, contributions, dedications, and any other  
 74 exactions required as a condition of receiving any governmental  
 75 approval or permit necessary to accomplish any district purpose.  
 76 (e) "District" means the Lake Padgett Estates Independent  
 77 Special District.  
 78 (f) "District recreational amenities and associated  
 79 infrastructure" means all existing and future parks, open-space  
 80 areas, lakes, signage, structures, and future improvements of  
 81 all kinds to said amenities located within the district.  
 82 (g) "Initial governing board" means the Pasco County Board  
 83 of Commissioners, which shall govern the district until the  
 84 election of the board of supervisors pursuant to section 5.

85       (h) "Lake Padgett Estates Independent Special District"  
 86 means the unit of special and single-purpose local government  
 87 created and chartered by this act, including the creation of its  
 88 charter, and limited to the performance, in implementing its  
 89 single purpose, of those general and special powers authorized  
 90 by its charter under this act, the boundaries of which are set  
 91 forth by the act, the governing head of which is created and  
 92 authorized to operate with legal existence by this act, and the  
 93 purpose of which is as set forth in this act.

94       (i) "Landowner" means the owner of a freehold estate as it  
 95 appears on the deed record, including a trustee, a private  
 96 corporation, and an owner of a condominium unit. "Landowner"  
 97 does not include a reversioner, remainderman, mortgagee, or any  
 98 governmental entity, who shall not be counted and need not be  
 99 notified of proceedings under this act. "Landowner" also means  
 100 the owner of a ground lease from a governmental entity, which  
 101 leasehold interest has a remaining term, excluding all renewal  
 102 options, in excess of 50 years.

103       (j) "Maintenance special assessments" means assessments  
 104 imposed, levied, and collected pursuant to the provisions of  
 105 section 7.

106       (k) "Non-ad valorem assessment" means only those  
 107 assessments which are not based upon millage and which can  
 108 become a lien against a homestead as permitted in s. 4, Art. X  
 109 of the State Constitution.

110       (l) "Powers" means powers used and exercised by the board  
 111 of supervisors to accomplish the single, limited, and special  
 112 purpose of the district, including:

113 1. "General powers," which means those organizational and  
 114 administrative powers of the district as provided in this  
 115 charter in order to carry out its single special purpose as a  
 116 local government public corporate body politic.

117 2. "Special powers," which means those powers enumerated  
 118 by the district charter to maintain, operate, and improve  
 119 recreational amenities and associated infrastructure and related  
 120 functions in order to carry out its single specialized purpose.

121 3. Any other powers, authority, or functions set forth in  
 122 this act.

123 (m) "Project" means any improvement, property, facility,  
 124 enterprise, service, works, or infrastructure now existing or  
 125 hereafter undertaken or established under the provisions of this  
 126 act.

127 (n) "Qualified elector" means any registered voter  
 128 residing within the district boundaries.

129 (o) "Signage" means any entranceway signage or features  
 130 and all signage within the district associated with the  
 131 recreational amenities of the district.

132 (p) "Special assessments" means assessments as imposed,  
 133 levied, and collected by the district for the costs of  
 134 assessable improvements pursuant to the provisions of this act,  
 135 chapter 170, Florida Statutes, and the additional authority  
 136 under section 197.3631, Florida Statutes, or other provisions of  
 137 general law, now or hereinafter enacted, which provide or  
 138 authorize a supplemental means to impose, levy, or collect  
 139 special assessments.

140 (q) "Taxes" or "tax" means those levies and impositions,

141 authorized by a vote of the qualified electors of the district,  
 142 of the board of supervisors that support and pay for government  
 143 and the administration of law and that may be ad valorem or  
 144 property taxes based upon both the appraised value of property  
 145 and millage at a rate uniform within the jurisdiction.

146 (2) POLICY.--Based upon its findings, ascertainments,  
 147 determinations, intent, purpose, and definitions, the  
 148 Legislature states its policy expressly:

149 (a) The district and the district charter, as created in  
 150 this act, with its general and special powers, are essential and  
 151 the best alternative for maintaining, operating, and improving  
 152 the recreational amenities and associated infrastructure in the  
 153 district.

154 (b) The district, which is a local government and a  
 155 political subdivision, is limited to its special purpose as  
 156 expressed in this act, with the power to maintain, operate,  
 157 improve, and finance as a local government management entity its  
 158 recreational amenities and associated infrastructure and  
 159 services, and possess financing powers to fund its management  
 160 power over the long term and with sustained levels of high  
 161 quality.

162 (c) The creation of the Lake Padgett Estates Independent  
 163 Special District by and pursuant to this act, and its exercise  
 164 of its management and related financing powers to implement its  
 165 limited, single, and special purpose, is not a development order  
 166 and does not trigger or invoke any provision within the meaning  
 167 of chapter 380, Florida Statutes, and all applicable  
 168 governmental planning, environmental, and land development laws,

169 regulations, rules, policies, and ordinances apply to all  
 170 development of the land within the jurisdiction of the district  
 171 as created by this act.

172 Section 3. Legal description of the Lake Padgett Estates  
 173 Independent Special District.--The metes and bounds legal  
 174 description of the district is as follows:

175  
 176 A portion of Sections 19, 20 & 30, Township 26 South,  
 177 Range 19 East, Pasco County, Florida being described  
 178 as follows:

179  
 180 Begin at the Northwest corner of said Section 19, run  
 181 thence South 00°43'18" West, along the West line of  
 182 said Section 19, a distance of 5,119.41 feet; Thence  
 183 South 88°50'58" East, a distance of 1,102.22 feet;  
 184 Thence South 00°51'34" West, a distance of 100.01  
 185 feet; thence South 88°51'24" East, along the South  
 186 line of said Section 19, a distance of 181.42 feet;  
 187 Thence South 18°44'16" East, a distance of 526.27  
 188 feet; to the West line of the Northeast 1/4 of the  
 189 Northwest 1/4 of Section 30, Township 26 South, Range  
 190 19 East; thence South 01°14'05" West, along the West  
 191 line of the Northeast 1/4 of the Northwest 1/4 of said  
 192 Section 30, a distance of 823.69 feet to the South  
 193 line of the Northeast 1/4 of the Northwest 1/4 of said  
 194 Section 30, run thence South 88°59'33" East, a  
 195 distance of 1343.37 feet; to the West line of Park  
 196 Tract of Lake Padgett Estates South Unit Two as

197 recorded in Plat Book 13, Pages 137-139 of the Public  
 198 Records of Pasco County, Florida, also being the West  
 199 Boundary of the Northwest 1/4 of the Northeast 1/4 of  
 200 said Section 30; Thence North 00°49'49" East along  
 201 said West line, a distance of 1,315.26 feet to the  
 202 South line of said Section 19, also being the South  
 203 boundary line of Valencia Gardens Phase Three as  
 204 recorded; Thence North 88°47'25" West along said South  
 205 line of Section 19, a distance of 11.84 feet to the  
 206 West boundary of said Valencia Gardens Phase Three,  
 207 Thence run North 00°16'12" East along said West  
 208 boundary of Valencia Gardens Phase Three, a distance  
 209 of 1,317.39 feet to the North boundary of said  
 210 Valencia Gardens Phase Three; Thence South 88°44'56"  
 211 East along said North boundary of Valencia Gardens  
 212 Phase Three, a distance of 2,662.48 feet; Thence South  
 213 89°27'44" East, a distance of 651.97 feet to the West  
 214 line of the right-of-way of Collier Parkway as  
 215 recorded in the Official Records Book 1824, Page 1234;  
 216 Thence run North 05°16'09" East along said West Line  
 217 of the right-of-way of Collier Parkway, a distance of  
 218 297.38 feet; Thence North 86°18'32" West, a distance  
 219 of 66.02 feet; Thence North 89°42'44" West to the  
 220 Westerly Boundary of Collier Place as recorded in Plat  
 221 Book 35, Pages 37-39 of the Public Records of Pasco  
 222 County, Florida, a distance of 817.90 feet; Thence  
 223 North 27°08'25" West, a distance of 88.63 feet; Thence  
 224 North 00°25'14" East, a distance of 391.01 feet;

225 Thence North 37°00'57" East, a distance of 520.22  
 226 feet; Thence North 35°41'05" East, a distance of  
 227 138.96 feet; Thence North 00°57'10" East, a distance  
 228 of 379.43; Thence North 50°28'38" East, a distance of  
 229 205.65 feet; Thence North 00°40'29" East, a distance  
 230 of 106.14 feet; Thence North 45°39'30" West, a  
 231 distance of 348.39 feet; Thence North 89°41'20" West,  
 232 a distance of 598.63 feet; Thence South 00°55'00"  
 233 West, a distance of 100.01 feet; Thence North  
 234 89°20'18" West, a distance of 1,255.51 feet; Thence  
 235 N00°54'33 East, a distance of 1270.03 feet; Thence  
 236 South 89°17'01" East, a distance of 99.98 feet; Thence  
 237 North 00°55'14" East, a distance of 150.02 feet to the  
 238 North line of Section 19, Township 26 South, Range 19  
 239 East; Thence along said North line of said Section 19  
 240 North 88°42'23" West, a distance of 155.04 feet;  
 241 Thence South 00°13'06" West, a distance of 49.87 feet;  
 242 Thence North 89°34'34" West, a distance of 50.00 feet;  
 243 Thence North 00°17'06" East, a distance of 50.25 feet  
 244 to North line of said Section 19; Thence along the  
 245 North line of said Section 19 North 89°11'04" West, a  
 246 distance of 3,455.90 feet; Thence North 89°27'48"  
 247 West; a distance of 13.88 feet to the POINT OF  
 248 BEGINNING.

249  
 250 AND

251  
 252 A portion of Sections 24 & 25, Township 26 South,

253 Range 18 East, Pasco County, Florida being described  
 254 as follows:  
 255  
 256 Begin at the Northwest corner of Section 19 Township  
 257 26 South, Range 19 East, run thence South 00°43'18"  
 258 West, along the West line of said Section 19, a  
 259 distance of 5,097.53 feet; to the South line of  
 260 Section 24, Township 26 South, Range 18 East also  
 261 being the North line of Section 25, Township 26 South,  
 262 Range 18 East, Thence run along South line of said  
 263 Section 24, North 89°29'16" West, a distance of  
 264 1,672.72 feet; Thence South 00°24'04" West; a distance  
 265 of 659.90 feet; Thence South 89°24'42" East, a  
 266 distance of 328.18 feet; Thence South 00°20'51" West,  
 267 a distance of 329.89 feet; Thence North 89°23'22 West,  
 268 a distance of 656.92 feet; Thence North 00°26'49"  
 269 East, a distance of 989.53 feet to the South line of  
 270 said Section 24, also being the said North line of  
 271 said Section 25; Thence run along North 89°29'16"  
 272 West, a distance of 655.25 feet; Thence North  
 273 01°20'40" East; a distance of 1,998.05 feet to the  
 274 South line of the Northwest 1/4 of the North 1/4 of  
 275 the Southeast 1/4 of Section 24, Township 26 South,  
 276 Range 18 East; thence along the said South line South  
 277 89°09'28" East, a distance of 688.44 feet to the East  
 278 line of the said Northwest 1/4; Thence along said East  
 279 line North 01°19'43" East, a distance of 664.55 feet  
 280 to the South line of the Northeast 1/4 of Section 24,

281 Township 26 South, Range 18 East to the West line of  
 282 the East ½ of the Northeast 1/4 of Section 24,  
 283 Township 26 South, Range 18 East; Thence S 88°56'38"  
 284 East, a distance of 651.04 feet; thence along said  
 285 West line North 00°39'22" East, a distance of 1,326.47  
 286 feet; Thence South 88°45'13" East, a distance of  
 287 626.59 feet; Thence North 00°40'31 East, a distance of  
 288 695.05 feet; Thence South 88°34'46" East, a distance  
 289 of 25.01 feet; Thence North 00°40'23" East, a distance  
 290 of 600.91 feet the North line of Section 24, Township  
 291 26 South, Range 18 East; Thence along said North line  
 292 South 88°45'18 East, a distance of 655.33 feet; Thence  
 293 South 01°48'11" West, a distance of 160.83 feet;  
 294 Thence North 89°27'48" West, a distance of 13.88 feet  
 295 to the POINT OF BEGINNING.

296  
 297 Containing 33,768,142 square feet or 775.21 acres more  
 298 or less.

300 Section 4. Initial governing board; board of supervisors;  
 301 members and meetings; organization; powers; duties; terms of  
 302 office; related election requirements.--

303 (1)(a) Upon the effective date of this act, the Pasco  
 304 County Board of Commissioners shall become the initial governing  
 305 board of the district and remain so until the succeeding board  
 306 of supervisors is elected at the general election of November  
 307 2006 as provided for in this section. The transition process  
 308 described herein is intended to be in lieu of the process set

309 forth in section 189.4051, Florida Statutes.

310 (b) The governing board may exercise the following powers:

311 1. Levy annual assessments not to exceed \$250 per parcel  
 312 lying within the district.

313 2. Accept the transfer of property owned by Pasco County  
 314 and lying within the boundaries of the district as same is  
 315 transferred to the district from Pasco County.

316 3. Maintain and operate the recreational amenities and  
 317 associated infrastructure of the district.

318 4. Approve and adopt a budget for the fiscal year 2006-  
 319 2007.

320 5. Accept the transfer of all Lake Padgett Estates  
 321 Municipal Service Unit funds and assets purchased with said fund  
 322 moneys held by Pasco County as same is transferred to the  
 323 district from Pasco County.

324 (2)(a) The board of supervisors shall exercise the powers  
 325 granted to the district pursuant to this act. The board shall  
 326 consist of five members, each of whom shall hold office for a  
 327 term of 2 years or until a new board is elected by the qualified  
 328 electors of the district at the general election in November  
 329 every 2 years. Members of the board must be citizens of the  
 330 United States and qualified electors residing within the  
 331 district.

332 (b) Elections of board members by qualified electors held  
 333 pursuant to this subsection shall be conducted by the supervisor  
 334 of elections and comply with the Florida Election Code, chapters  
 335 97-106 and chapter 189, Florida Statutes, and the Rules of the  
 336 Division of Elections. Board members shall assume office on the

337 second Tuesday following their election.

338 (3) Members of the board of supervisors shall be known as  
 339 supervisors and, upon entering into office, shall take and  
 340 subscribe to the oath of office as prescribed by section 876.05,  
 341 Florida Statutes. Members of the board shall be subject to  
 342 ethics and conflict of interest laws of the state that apply to  
 343 all local public officers. They shall hold office for terms of 2  
 344 years each and until their successors are chosen and qualified.  
 345 If, during the term of office, a vacancy occurs, the remaining  
 346 members of the board shall fill each vacancy by an appointment  
 347 for the remainder of the unexpired term.

348 (4) Any member of the board of supervisors may be removed  
 349 by the Governor for malfeasance, misfeasance, dishonesty,  
 350 incompetency, or failure to perform the duties imposed upon him  
 351 or her by this act, and any vacancies that may occur in such  
 352 office for such reasons shall be filled by the Governor as soon  
 353 as practicable.

354 (5) A majority of the members of the board constitutes a  
 355 quorum for the purposes of conducting its business and  
 356 exercising its powers and for all other purposes. Action taken  
 357 by the district shall be upon a vote of a majority of the  
 358 members present, but not less than three votes, unless general  
 359 law or a rule of the district requires a greater number.

360 (6) As soon as practicable after each election, but by the  
 361 first Monday in December, the board shall organize by electing  
 362 one of its members as chair and one of its members as vice  
 363 chair, and by electing a secretary, who need not be a member of  
 364 the board, and such other officers as the board may deem

365 necessary. Business of the board shall be conducted pursuant to  
 366 Robert's Rules of Order and the chair's powers shall be as  
 367 described in said rules.

368 (7) The board shall keep a permanent record book entitled  
 369 "Record of Proceedings of Lake Padgett Estates Independent  
 370 Special District," in which shall be recorded minutes of all  
 371 meetings, resolutions, proceedings, bonds given by all  
 372 employees, and any and all corporate acts. The record book and  
 373 all other district records shall at reasonable times be opened  
 374 to inspection in the same manner as state, county, and municipal  
 375 records pursuant to chapter 119, Florida Statutes. The record  
 376 book shall be kept at the office or other regular place of  
 377 business maintained by the board in a designated location within  
 378 the district.

379 (8) Each member of the board shall be entitled to receive  
 380 for his or her services an amount not to exceed \$50 per meeting  
 381 of the board of supervisors, not to exceed \$1,200 per year per  
 382 member, or an amount established by the district's qualified  
 383 electors at referendum. In addition, each member shall receive  
 384 travel and per diem expenses as set forth in section 112.061,  
 385 Florida Statutes.

386 (9) All meetings of the board shall be open to the public  
 387 and governed by the provisions of chapter 286, Florida Statutes.

388 (10) The board shall, by December 31, 2006, enter into  
 389 intergovernmental agreements, as authorized by chapter 163,  
 390 Florida Statutes, with the Pasco County Property Appraiser and  
 391 the Pasco County Tax Collector for the assessment, collection,  
 392 and distribution of ad valorem taxes, special assessments, and

393 maintenance special assessments as may be imposed by the board  
 394 pursuant to this act.

395 Section 5. Board of supervisors; administrative duties;  
 396 general and special powers.--

397 (1) DISTRICT MANAGER, EMPLOYEES, AND TREASURER.--The board  
 398 may employ and fix the compensation of a district manager,  
 399 employees, and a treasurer pursuant to the requirements of  
 400 section 190.007, Florida Statutes.

401 (2) PUBLIC DEPOSITORY.--The board is authorized to select  
 402 as a depository for its funds any qualified public depository as  
 403 defined in section 280.02, Florida Statutes, which meets all the  
 404 requirements of chapter 280, Florida Statutes.

405 (3) BUDGET; REPORTS AND REVIEWS.--The district shall  
 406 provide financial reports in such form and such manner as  
 407 prescribed pursuant to this act, chapters 189 and 218, Florida  
 408 Statutes, and section 190.008, Florida Statutes.

409 (4) DISCLOSURE OF PUBLIC FINANCING.--The district shall  
 410 take affirmative steps to provide for the full disclosure of  
 411 information relating to the public financing of the maintenance,  
 412 operation, and improvement of the recreational amenities and  
 413 associated infrastructure undertaken by the district. Such  
 414 information shall be made available to all existing residents  
 415 and all prospective residents of the district. The district  
 416 shall furnish each landowner within the district a copy of that  
 417 information.

418 (5) GENERAL POWERS.--The district shall have, and the  
 419 board may exercise, the general powers as provided for in  
 420 section 190.011, Florida Statutes, where not inconsistent with

421 the following:

422 (a) To contract for the services of consultants to perform  
 423 planning, engineering, legal, or other appropriate services of a  
 424 professional nature. Such contracts shall be subject to public  
 425 bidding or competitive negotiation requirements as set forth in  
 426 general law applicable to independent special districts.

427 (b) To maintain an office at such place or places as the  
 428 board of supervisors designates in Pasco County, and within the  
 429 district when facilities are available.

430 (c) To borrow money and issue certificates, warrants,  
 431 notes, or other evidence of indebtedness as hereinafter  
 432 provided; to levy such taxes and assessments as may be  
 433 authorized; and to charge, collect, and enforce fees and other  
 434 user charges.

435 (d) To determine, order, levy, impose, collect, and  
 436 enforce assessments pursuant to this act and chapter 170,  
 437 Florida Statutes, pursuant to authority granted in section  
 438 197.3631, Florida Statutes, or pursuant to other provisions of  
 439 general law which provide or authorize a supplemental means to  
 440 order, levy, impose, or collect special assessments. Such  
 441 special assessments, in the discretion of the district, may be  
 442 collected and enforced pursuant to the provisions of sections  
 443 197.3632 and 197.3635, Florida Statutes, and chapters 170 and  
 444 173, Florida Statutes, or as provided by this act, or by other  
 445 means authorized by general law now or hereinafter enacted.

446 (e) To exercise such special powers and other express  
 447 powers as may be authorized and granted by this act in the  
 448 charter of the district, including powers as provided in any

449 interlocal agreement entered into pursuant to chapter 163,  
450 Florida Statutes.

451 (f) The district shall not have the power of eminent  
452 domain.

453 (7) SPECIAL POWERS.--The district shall have, and the  
454 board may exercise, the following special powers to implement  
455 its lawful and special purpose and to provide, pursuant to that  
456 purpose, recreational amenities and to operate, maintain, and  
457 improve said amenities and associated infrastructure, each of  
458 which constitutes a lawful public purpose when exercised  
459 pursuant to this charter, subject to, and not inconsistent with,  
460 the regulatory jurisdiction and permitting authority of all  
461 other applicable governmental bodies, agencies, and any special  
462 districts having authority with respect to any area included  
463 therein, and to plan, establish, acquire, construct or  
464 reconstruct, enlarge or extend, equip, operate, finance, fund,  
465 and maintain improvements, systems, facilities, services, works,  
466 projects, and infrastructure. Any or all of the following  
467 special powers are granted by this act in order to implement the  
468 special purpose of the district:

469 (a) To provide district parks and open space and the  
470 continued maintenance, operation, and improvement thereof. This  
471 special power includes, but is not limited to, passive and  
472 active recreational areas, lakes, and canals, containing picnic  
473 shelters, boat ramps and docks, volleyball, basketball, tennis,  
474 horseshoe, and shuffleboard courts, playgrounds and open space,  
475 wildlife habitat, including the maintenance of any plant or  
476 animal species, mitigation areas, landscaping and irrigation,

477 bicycle lanes, jogging paths, riding trails, regulatory or  
 478 informational signage, and all other customary elements of such  
 479 park and open-space areas and any related interest in real or  
 480 personal property.

481 (b) To provide buildings, structures, and like  
 482 improvements and the continued maintenance, operation, and  
 483 improvement thereof. This special power includes, but is not  
 484 limited to, bathroom facilities, maintenance buildings, lighting  
 485 and security facilities such as walls and guardhouses, parking  
 486 areas, wildlife observation towers, stables, and stormwater  
 487 facilities necessary and incidental to the recreational  
 488 amenities, and associated infrastructure or any other project  
 489 authorized or granted by this act.

490 (c) To establish and create, at noticed meetings, such  
 491 governmental departments of the board of supervisors of the  
 492 district, as well as committees, task forces, boards, or  
 493 commissions, or other agencies under the supervision and control  
 494 of the district, as from time to time the members of the board  
 495 may deem necessary or desirable in the performance of the acts  
 496 or other things necessary to exercise the board's general or  
 497 special powers to implement an innovative project to carry out  
 498 the special purpose of the district as provided in this act and  
 499 to delegate the exercise of its powers to such departments,  
 500 boards, task forces, committees, or other agencies and such  
 501 administrative duties and other powers as the board may deem  
 502 necessary or desirable, but only if there is a set of expressed  
 503 limitations for accountability, notice, and periodic written  
 504 reporting to the board that shall retain the powers of the

505 board.

506  
 507 The enumeration of special powers herein shall not be deemed  
 508 exclusive or restrictive but shall be deemed to incorporate all  
 509 powers express or implied necessary or incident to carrying out  
 510 such enumerated special powers, including also the general  
 511 powers provided by this charter to the district to implement its  
 512 single purpose. Further, the provisions of this subsection shall  
 513 be construed liberally in order to carry out effectively the  
 514 special purpose of this district under this act.

515 Section 6. Borrowing; revenue.--

516 (1) BORROWING.--The district at any time may obtain loans,  
 517 in such amount and on such terms and conditions as the board may  
 518 approve, for the purpose of paying any of the expenses of the  
 519 district or any costs incurred or that may be incurred in  
 520 connection with any of the projects of the district, which loans  
 521 shall bear interest as the board determines, not to exceed the  
 522 maximum rate allowed by general law, and may be payable from and  
 523 secured by a pledge of such funds, revenues, taxes, and  
 524 assessments as the board may determine. For the purpose of  
 525 defraying such costs and expenses, the district may issue  
 526 negotiable notes, warrants, or other evidences of debt to be  
 527 payable at such times and to bear such interest as the board may  
 528 determine, not to exceed the maximum rate allowed by general  
 529 law, and to be sold or discounted at such price or prices not  
 530 less than 95 percent of par value and on such terms as the board  
 531 may deem advisable. The board shall have the right to provide  
 532 for the payment thereof by pledging the whole or any part of the

533 funds, revenues, taxes, and assessments of the district. The  
 534 approval of the electors residing in the district shall not be  
 535 necessary except when required by the State Constitution.

536 (2) AD VALOREM TAXES; ASSESSMENTS, MAINTENANCE SPECIAL  
 537 ASSESSMENTS, AND SPECIAL ASSESSMENTS.--

538 (a) Ad valorem taxes.--The board of supervisors shall have  
 539 the power to levy and assess an ad valorem tax on all the  
 540 taxable property in the district to maintain, operate, and  
 541 perform improvements of recreational amenities and associated  
 542 infrastructure. An ad valorem tax levied by the board for  
 543 operating purposes shall not exceed 3 mills. The ad valorem tax  
 544 provided for herein shall be in addition to county and all other  
 545 ad valorem taxes provided for by law. Such tax shall be  
 546 assessed, levied, and collected in the same manner and at the  
 547 same time as county taxes and as provided for by the  
 548 intergovernmental agreements required in section 4 of this act.  
 549 The levy of ad valorem taxes must be approved by referendum as  
 550 required by Section 9 of Article VII of the State Constitution.

551 (b) Enforcement of taxes.--The collection and enforcement  
 552 of all taxes levied by the district shall be at the same time  
 553 and in like manner as county taxes; and the provisions of the  
 554 laws of the state relating to the sale of lands for unpaid and  
 555 delinquent county taxes, the issuance, sale, and delivery of tax  
 556 certificates for such unpaid and delinquent county taxes, the  
 557 redemption thereof, the issuance to individuals of tax deeds  
 558 based thereon, and all other procedures in connection therewith  
 559 shall be applicable to the district to the same extent as if  
 560 such statutory provisions were expressly set forth herein. All

561 taxes shall be subject to the same discounts as county taxes.  
 562 All taxes provided for in this act shall become delinquent and  
 563 bear penalties on the amount of such taxes in the same manner as  
 564 county taxes.

565 (c)1. Maintenance special assessments.--To maintain and  
 566 preserve the recreational amenities and associated  
 567 infrastructure of the district, the board may levy a maintenance  
 568 special assessment.

569 2. Special assessments.--To operate and improve the  
 570 recreational amenities and associated infrastructure of the  
 571 district, the board may levy a special assessment.

572  
 573 Assessment may be evidenced to and certified to the property  
 574 appraiser by the board of supervisors by a date each year as  
 575 determined by interlocal agreement and shall be entered by the  
 576 property appraiser on the county tax rolls and shall be  
 577 collected and enforced by the tax collector in the same manner  
 578 and at the same time as county taxes, and the proceeds therefrom  
 579 shall be paid to the district. However, this subsection shall  
 580 not prohibit the district in its discretion from using a method  
 581 prescribed in section 197.363, section 197.3631, section  
 582 197.3632, or section 197.3635, Florida Statutes, or chapter 173,  
 583 Florida Statutes, for collecting and enforcing these  
 584 assessments. These maintenance special assessments shall be a  
 585 lien on the property against which assessed until paid and shall  
 586 be enforceable in like manner as county taxes. The amount of the  
 587 maintenance special assessment for the exercise of the  
 588 district's powers under this section shall be determined by the

589 board based upon a report of the district's engineer and  
 590 assessed by the board upon such lands, which shall be all of the  
 591 lands within the district benefited by the maintenance thereof,  
 592 apportioned between the benefited lands in proportion to the  
 593 benefits received by each tract of land.

594 (d) Land owned by governmental entity.--Except as  
 595 otherwise required by law, the district shall not levy ad  
 596 valorem taxes or non-ad valorem assessments under this act or  
 597 chapter 170 or chapter 197, Florida Statutes, on property of a  
 598 governmental entity located within the district.

599 (3) TAX LIENS; PAYMENT OF TAXES AND REDEMPTION OF TAX  
 600 LIENS BY THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE;  
 601 FORECLOSURE OF LIENS.--The foregoing shall be as prescribed in  
 602 sections 190.024, 190.025, and 190.026, Florida Statutes, and  
 603 subject to all other requirements of law.

604 (4) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND  
 605 MODIFICATIONS.--The district is authorized to prescribe, fix,  
 606 establish, and collect reasonable user fees, rentals, or other  
 607 charges, and to revise the same from time to time, for the use  
 608 of the recreational amenities and associated infrastructure  
 609 furnished by the district pursuant to the adoption procedure  
 610 prescribed by section 190.035, Florida Statutes. Such user fees,  
 611 rentals, and charges shall be just and equitable and uniform for  
 612 users of the same class and, when appropriate, may be based or  
 613 computed either upon the amount of service furnished, upon the  
 614 average number of persons residing or working in or otherwise  
 615 occupying the premises served, or upon any other factor  
 616 affecting the use of the facilities furnished, or upon any

617 combination of the foregoing factors, as may be determined by  
 618 the board on an equitable basis.

619 (5) RECOVERY OF DELINQUENT CHARGES.--In the event that any  
 620 rates, fees, rentals, charges, or delinquent penalties shall not  
 621 be paid as and when due and shall be in default for 60 days or  
 622 more, the unpaid balance thereof and all interest accrued  
 623 thereon, together with reasonable attorney's fees and costs, may  
 624 be recovered by the district in a civil action.

625 (6) ENFORCEMENT AND PENALTIES.--The board or any aggrieved  
 626 person may have recourse to such remedies in law and at equity  
 627 as prescribed in section 190.041, Florida Statutes.

628 Section 7. Procurement; suits; exemption of district  
 629 property; modifications to district boundaries; notice to  
 630 purchasers.--

631 (1) PROCUREMENT.--Competitive procurement, bids, and  
 632 negotiations shall be as prescribed in section 190.033, Florida  
 633 Statutes, and subject to all other requirements of law.

634 (2) SUITS.--Suits against the district as described in  
 635 section 190.043, Florida Statutes, and shall be subject to the  
 636 limitations provided in section 768.28, Florida Statutes.

637 (3) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All  
 638 district property shall be exempt from levy and sale by virtue  
 639 of an execution, and no execution or other judicial process  
 640 shall issue against such property, nor shall any judgment  
 641 against the district be a charge or lien on its property or  
 642 revenues.

643 (4) TERMINATION, CONTRACTION, OR EXPANSION OF THE  
 644 DISTRICT.--

645 (a) The board may ask the Legislature through its local  
 646 legislative delegations in and for Pasco County to amend this  
 647 act to contract, to expand or to contract, and to expand the  
 648 boundaries of the district by amendment of this act.

649 (b) The district shall remain in existence until:

650 1. The district is terminated and dissolved pursuant to  
 651 amendment to this act by the Legislature.

652 2. The district has become inactive pursuant to section  
 653 189.4044, Florida Statutes.

654 (5) INCLUSION OF TERRITORY.--The inclusion of any or all  
 655 territory of the district within a municipality does not change,  
 656 alter, or affect the boundary, territory, existence, or  
 657 jurisdiction of the district.

658 (6) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED  
 659 DISCLOSURE TO PURCHASER.--Subsequent to the creation of the  
 660 district under this act, each contract for the sale of a parcel  
 661 of real property within the district shall include, immediately  
 662 prior to the space reserved in the contract for the signature of  
 663 the purchaser, the following disclosure statement in boldfaced  
 664 and conspicuous type which is larger than the type in the  
 665 remaining text of the contract: "THE LAKE PADGETT ESTATES  
 666 INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES OR  
 667 ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.  
 668 THESE TAXES AND ASSESSMENTS PAY FOR THE OPERATION, MAINTENANCE,  
 669 AND IMPROVEMENT COSTS OF CERTAIN RECREATIONAL AMENITIES AND  
 670 ASSOCIATED INFRASTRUCTURE AND SERVICES OF THE DISTRICT AND ARE  
 671 SET ANNUALLY BY THE BOARD OF SUPERVISORS OF THE DISTRICT. THESE  
 672 TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL

673 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND  
 674 ASSESSMENTS PROVIDED FOR BY LAW."

675 (7) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days  
 676 after the election of the first board of supervisors, the  
 677 district shall cause to be recorded in the grantor-grantee index  
 678 of the property records of Pasco County a "Notice of Creation  
 679 and Establishment of the Lake Padgett Estates Independent  
 680 Special District." The notice shall, at a minimum, include the  
 681 legal description of the property covered by this act.

682 Section 8. If any provision of this act is determined  
 683 unconstitutional or otherwise determined invalid by a court of  
 684 law, all the rest and remainder of the act shall remain in full  
 685 force and effect as the law of this state.

686 Section 9. This act shall take effect July 1, 2006, except  
 687 that the provisions of this act which authorize the levy of ad  
 688 valorem taxation shall take effect only upon express approval by  
 689 a majority vote of those qualified electors of the Lake Padgett  
 690 Estates Independent Special District voting in a referendum  
 691 election held at such time as all members of the board of  
 692 supervisors are qualified electors who are elected by qualified  
 693 electors of the district as provided in this act.