

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Pasco County; creating the Lake Padgett
7 Estates Independent Special District; providing a popular
8 name; providing definitions; stating legislative policy
9 regarding creation of the district; providing for creation
10 and establishment of the district and legal boundaries of
11 the district; providing for the jurisdiction and charter
12 of the district; providing for an initial governing board,
13 a board of supervisors, and board membership, meetings,
14 organization, powers, duties, terms of office, per diem,
15 salary, and election requirements; providing for
16 administrative duties of the board, district employees,
17 selection of a public depository, district budgets,
18 financial reports, and reviews; providing for the general
19 powers of the district; providing for the special powers
20 of the district to maintain, operate, and improve
21 community recreational amenities and associated
22 infrastructure and services within the district; providing
23 for borrowing and revenue sources including a referendum

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24 | to allow for the levying of an ad valorem tax within the
 25 | district; providing for competitive procurement; providing
 26 | for required notices to purchasers of real property within
 27 | the district; providing severability; providing an
 28 | effective date.

29 |

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

31 |

32 | Section 1. This act may be cited as the "Lake Padgett
 33 | Estates Independent Special District Act."

34 | Section 2. Definitions; policy.--

35 | (1) DEFINITIONS.--As used in this act:

36 | (a) "Assessable improvements" means, without limitation,
 37 | any and all improvements and community facilities that the
 38 | district is empowered to provide in accordance with this act
 39 | that provide a special benefit to property within the district.

40 | (b) "Assessments" means those nonmillage district
 41 | assessments that include special assessments and maintenance
 42 | special assessments.

43 | (c) "Board of supervisors" or "board" means the governing
 44 | board of the district after all members of the board of
 45 | supervisors have been elected pursuant to the provisions of
 46 | section 4 or, if such board has been abolished, the board, body,
 47 | or commission assuming the principal functions thereof or to
 48 | whom the powers given to the board by this act have been given
 49 | by law.

50 | (d) "Cost" or "costs," when used with reference to any
 51 | project, includes, but is not limited to:

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52 1. The expenses of determining the feasibility or
53 practicability of acquisition, construction, or reconstruction.

54 2. The cost of surveys, estimates, plans, and
55 specifications.

56 3. The cost of maintenance, operations, and improvements.

57 4. Engineering, fiscal, and legal expenses and charges.

58 5. The cost of all labor, materials, machinery, and
59 equipment.

60 6. The cost of all lands, properties, rights, easements,
61 and franchises acquired.

62 7. Financing charges.

63 8. The creation of initial reserve and debt service funds.

64 9. Working capital.

65 10. Interest charges incurred or estimated to be incurred
66 on money borrowed prior to and during construction and
67 acquisition and for such reasonable period of time after
68 completion of construction or acquisition as the board may
69 determine.

70 11. The cost of any tax referendum held pursuant to this
71 act.

72 12. Administrative expenses.

73 13. Such other expenses as may be necessary or incidental
74 to the acquisition, construction, or reconstruction of any
75 project, to the financing thereof, or to the development of any
76 lands within the district.

77 14. Payments, contributions, dedications, and any other
78 exactions required as a condition of receiving any governmental
79 approval or permit necessary to accomplish any district purpose.

80 (e) "District" means the Lake Padgett Estates Independent
 81 Special District.

82 (f) "District recreational amenities and associated
 83 infrastructure" means all existing and future parks, open-space
 84 areas, lakes, signage, structures, and future improvements of
 85 all kinds to said amenities located within the district.

86 (g) "Initial governing board" means the Pasco County Board
 87 of Commissioners, which shall govern the district until the
 88 election of the board of supervisors pursuant to section 4.

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

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

107 (j) "Maintenance special assessments" means assessments

108 imposed, levied, and collected pursuant to the provisions of
 109 section 6.

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

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

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

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

125 3. Any other powers, authority, or functions set forth in
 126 this act.

127 (m) "Project" means any improvement, property, facility,
 128 enterprise, service, works, or infrastructure now existing or
 129 hereafter undertaken or established under the provisions of this
 130 act.

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

133 (o) "Signage" means any entranceway signage or features
 134 and all signage within the district associated with the
 135 recreational amenities of the district.

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

144 (q) "Taxes" or "tax" means those levies and impositions,
145 authorized by a vote of the qualified electors of the district,
146 of the board of supervisors that support and pay for government
147 and the administration of law and that may be ad valorem or
148 property taxes based upon both the appraised value of property
149 and millage at a rate uniform within the jurisdiction.

150 (2) POLICY.--Based upon its findings, ascertainments,
151 determinations, intent, purpose, and definitions, the
152 Legislature states its policy expressly:

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

158 (b) The district, which is a local government and a
159 political subdivision, is limited to its special purpose as
160 expressed in this act, with the power to maintain, operate,
161 improve, and finance as a local government management entity its
162 recreational amenities and associated infrastructure and
163 services, and possess financing powers to fund its management

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164 power over the long term and with sustained levels of high
165 quality.

166 (c) The creation of the Lake Padgett Estates Independent
167 Special District by and pursuant to this act, and its exercise
168 of its management and related financing powers to implement its
169 limited, single, and special purpose, is not a development order
170 and does not trigger or invoke any provision within the meaning
171 of chapter 380, Florida Statutes, and all applicable
172 governmental planning, environmental, and land development laws,
173 regulations, rules, policies, and ordinances apply to all
174 development of the land within the jurisdiction of the district
175 as created by this act.

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

179
180 A portion of Sections 19, 20 & 30, Township 26 South,
181 Range 19 East, Pasco County, Florida being described
182 as follows:

183
184 Begin at the Northwest corner of said Section 19, run
185 thence South 00°43'18" West, along the West line of
186 said Section 19, a distance of 5,119.41 feet; Thence
187 South 88°50'58" East, a distance of 1,102.22 feet;
188 Thence South 00°51'34" West, a distance of 100.01
189 feet; thence South 88°51'24" East, along the South
190 line of said Section 19, a distance of 181.42 feet;
191 Thence South 18°44'16" East, a distance of 526.27

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192 feet; to the West line of the Northeast 1/4 of the
193 Northwest 1/4 of Section 30, Township 26 South, Range
194 19 East; thence South 01°14'05" West, along the West
195 line of the Northeast 1/4 of the Northwest 1/4 of said
196 Section 30, a distance of 823.69 feet to the South
197 line of the Northeast 1/4 of the Northwest 1/4 of said
198 Section 30, run thence South 88°59'33" East, a
199 distance of 1343.37 feet; to the West line of Park
200 Tract of Lake Padgett Estates South Unit Two as
201 recorded in Plat Book 13, Pages 137-139 of the Public
202 Records of Pasco County, Florida, also being the West
203 Boundary of the Northwest 1/4 of the Northeast 1/4 of
204 said Section 30; Thence North 00°49'49" East along
205 said West line, a distance of 1,315.26 feet to the
206 South line of said Section 19, also being the South
207 boundary line of Valencia Gardens Phase Three as
208 recorded; Thence North 88°47'25" West along said South
209 line of Section 19, a distance of 11.84 feet to the
210 West boundary of said Valencia Gardens Phase Three,
211 Thence run North 00°16'12" East along said West
212 boundary of Valencia Gardens Phase Three, a distance
213 of 1,317.39 feet to the North boundary of said
214 Valencia Gardens Phase Three; Thence South 88°44'56"
215 East along said North boundary of Valencia Gardens
216 Phase Three, a distance of 2,662.48 feet; Thence South
217 89°27'44" East, a distance of 651.97 feet to the West
218 line of the right-of-way of Collier Parkway as
219 recorded in the Official Records Book 1824, Page 1234;

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220 Thence run North 05°16'09" East along said West Line
221 of the right-of-way of Collier Parkway, a distance of
222 297.38 feet; Thence North 86°18'32" West, a distance
223 of 66.02 feet; Thence North 89°42'44" West to the
224 Westerly Boundary of Collier Place as recorded in Plat
225 Book 35, Pages 37-39 of the Public Records of Pasco
226 County, Florida, a distance of 817.90 feet; Thence
227 North 27°08'25" West, a distance of 88.63 feet; Thence
228 North 00°25'14" East, a distance of 391.01 feet;
229 Thence North 37°00'57" East, a distance of 520.22
230 feet; Thence North 35°41'05" East, a distance of
231 138.96 feet; Thence North 00°57'10" East, a distance
232 of 379.43; Thence North 50°28'38" East, a distance of
233 205.65 feet; Thence North 00°40'29" East, a distance
234 of 106.14 feet; Thence North 45°39'30" West, a
235 distance of 348.39 feet; Thence North 89°41'20" West,
236 a distance of 598.63 feet; Thence South 00°55'00"
237 West, a distance of 100.01 feet; Thence North
238 89°20'18" West, a distance of 1,255.51 feet; Thence
239 N00°54'33 East, a distance of 1270.03 feet; Thence
240 South 89°17'01" East, a distance of 99.98 feet; Thence
241 North 00°55'14" East, a distance of 150.02 feet to the
242 North line of Section 19, Township 26 South, Range 19
243 East; Thence along said North line of said Section 19
244 North 88°42'23" West, a distance of 155.04 feet;
245 Thence South 00°13'06" West, a distance of 49.87 feet;
246 Thence North 89°34'34" West, a distance of 50.00 feet;
247 Thence North 00°17'06" East, a distance of 50.25 feet

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248 to North line of said Section 19; Thence along the
 249 North line of said Section 19 North 89°11'04" West, a
 250 distance of 3,455.90 feet; Thence North 89°27'48"
 251 West; a distance of 13.88 feet to the POINT OF
 252 BEGINNING.

253
 254 AND

255
 256 A portion of Sections 24 & 25, Township 26 South,
 257 Range 18 East, Pasco County, Florida being described
 258 as follows:

259
 260 Begin at the Northwest corner of Section 19 Township
 261 26 South, Range 19 East, run thence South 00°43'18"
 262 West, along the West line of said Section 19, a
 263 distance of 5,097.53 feet; to the South line of
 264 Section 24, Township 26 South, Range 18 East also
 265 being the North line of Section 25, Township 26 South,
 266 Range 18 East, Thence run along South line of said
 267 Section 24, North 89°29'16" West, a distance of
 268 1,672.72 feet; Thence South 00°24'04" West; a distance
 269 of 659.90 feet; Thence South 89°24'42" East, a
 270 distance of 328.18 feet; Thence South 00°20'51" West,
 271 a distance of 329.89 feet; Thence North 89°23'22 West,
 272 a distance of 656.92 feet; Thence North 00°26'49"
 273 East, a distance of 989.53 feet to the South line of
 274 said Section 24, also being the said North line of
 275 said Section 25; Thence run along North 89°29'16"

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276 West, a distance of 655.25 feet; Thence North
 277 01°20'40" East; a distance of 1,998.05 feet to the
 278 South line of the Northwest 1/4 of the North 1/4 of
 279 the Southeast 1/4 of Section 24, Township 26 South,
 280 Range 18 East; thence along the said South line South
 281 89°09'28" East, a distance of 688.44 feet to the East
 282 line of the said Northwest 1/4; Thence along said East
 283 line North 01°19'43" East, a distance of 664.55 feet
 284 to the South line of the Northeast 1/4 of Section 24,
 285 Township 26 South, Range 18 East to the West line of
 286 the East ½ of the Northeast 1/4 of Section 24,
 287 Township 26 South, Range 18 East; Thence S 88°56'38"
 288 East, a distance of 651.04 feet; thence along said
 289 West line North 00°39'22" East, a distance of 1,326.47
 290 feet; Thence South 88°45'13" East, a distance of
 291 626.59 feet; Thence North 00°40'31 East, a distance of
 292 695.05 feet; Thence South 88°34'46" East, a distance
 293 of 25.01 feet; Thence North 00°40'23" East, a distance
 294 of 600.91 feet the North line of Section 24, Township
 295 26 South, Range 18 East; Thence along said North line
 296 South 88°45'18 East, a distance of 655.33 feet; Thence
 297 South 01°48'11" West, a distance of 160.83 feet;
 298 Thence North 89°27'48" West, a distance of 13.88 feet
 299 to the POINT OF BEGINNING.

300
 301 Containing 33,768,142 square feet or 775.21 acres more
 302 or less.

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304 Section 4. Initial governing board; board of supervisors;
305 members and meetings; organization; powers; duties; terms of
306 office; related election requirements.--

307 (1) (a) Upon the effective date of this act, the Pasco
308 County Board of Commissioners shall become the initial governing
309 board of the district and remain so until the succeeding board
310 of supervisors is elected at the general election of November
311 2006 as provided for in this section.

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

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

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

318 3. Maintain and operate the recreational amenities and
319 associated infrastructure of the district.

320 4. Approve and adopt a budget for the fiscal year 2006-
321 2007.

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

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

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332 United States and qualified electors residing within the
333 district.

334 (b) Elections of board members by qualified electors held
335 pursuant to this subsection shall be conducted by the supervisor
336 of elections and comply with the Florida Election Code, chapters
337 97-106 and chapter 189, Florida Statutes, and the Rules of the
338 Division of Elections. Board members shall assume office on the
339 second Tuesday following their election.

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

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

356 (5) A majority of the members of the board constitutes a
357 quorum for the purposes of conducting its business and
358 exercising its powers and for all other purposes. Action taken
359 by the district shall be upon a vote of a majority of the

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360 members present, but not less than three votes, unless general
361 law or a rule of the district requires a greater number.

362 (6) As soon as practicable after each election, but by the
363 first Monday in December, the board shall organize by electing
364 one of its members as chair and one of its members as vice
365 chair, and by electing a secretary, who need not be a member of
366 the board, and such other officers as the board may deem
367 necessary. Business of the board shall be conducted pursuant to
368 Robert's Rules of Order and the chair's powers shall be as
369 described in said rules.

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

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

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

390 (10) The board shall, by December 31, 2006, enter into
 391 intergovernmental agreements, as authorized by chapter 163,
 392 Florida Statutes, with the Pasco County Property Appraiser and
 393 the Pasco County Tax Collector for the assessment, collection,
 394 and distribution of ad valorem taxes, special assessments, and
 395 maintenance special assessments as may be imposed by the board
 396 pursuant to this act.

397 Section 5. Board of supervisors; administrative duties;
 398 general and special powers.--

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

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

407 (3) BUDGET; REPORTS AND REVIEWS.--

408 (a) The district shall provide financial reports in such
 409 form and such manner as prescribed pursuant to this act,
 410 chapters 189 and 218, Florida Statutes, and section 190.008,
 411 Florida Statutes.

412 (b) On or before July 15 of each year, the district
 413 manager shall prepare a proposed budget for the ensuing fiscal
 414 year to be submitted to the board for board approval. The
 415 proposed budget shall include, at the direction of the board, an

416 estimate of all necessary expenditures of the district for the
417 ensuing fiscal year and an estimate of income to the district
418 from the taxes and assessments provided in this act. The board
419 shall consider the proposed budget item by item and may either
420 approve the budget as proposed by the district manager or modify
421 the same in part or in whole. The board shall indicate its
422 approval of the budget by resolution, which resolution shall
423 provide for a hearing on the budget as approved. Notice of the
424 hearing on the budget shall be published in a newspaper of
425 general circulation in the area of the district once a week for
426 2 consecutive weeks, except that the first publication shall be
427 not fewer than 15 days prior to the date of the hearing. The
428 notice shall further contain a designation of the day, time, and
429 place of the public hearing. At the time and place designated in
430 the notice, the board shall hear all objections to the budget as
431 proposed and may make such changes as the board deems necessary.
432 At the conclusion of the budget hearing, the board shall, by
433 resolution, adopt the budget as finally approved by the board.
434 The budget shall be adopted prior to October 1 of each year.

435 (c) At least 60 days prior to adoption, the board shall
436 submit to the Pasco County Board of County Commissioners, for
437 purposes of disclosure and information only, the proposed annual
438 budget for the ensuing fiscal year, and the board of county
439 commissioners may submit written comments to the board of
440 supervisors solely for the assistance and information of the
441 board in adopting its annual district budget.

442 (4) DISCLOSURE OF PUBLIC FINANCING.--The district shall
443 take affirmative steps to provide for the full disclosure of

444 information relating to the public financing of the maintenance,
445 operation, and improvement of the recreational amenities and
446 associated infrastructure undertaken by the district. Such
447 information shall be made available to all existing residents
448 and all prospective residents of the district. The district
449 shall furnish each landowner within the district a copy of that
450 information.

451 (5) GENERAL POWERS.--The district shall have, and the
452 board may exercise, the general powers as provided for in
453 section 190.011, Florida Statutes, where not inconsistent with
454 the following:

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

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

463 (c) To borrow money and issue certificates, warrants,
464 notes, or other evidence of indebtedness as hereinafter
465 provided; to levy such taxes and assessments as may be
466 authorized; and to charge, collect, and enforce fees and other
467 user charges.

468 (d) To determine, order, levy, impose, collect, and
469 enforce assessments pursuant to this act and chapter 170,
470 Florida Statutes, pursuant to authority granted in section
471 197.3631, Florida Statutes, or pursuant to other provisions of

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472 general law which provide or authorize a supplemental means to
473 order, levy, impose, or collect special assessments. Such
474 special assessments, in the discretion of the district, may be
475 collected and enforced pursuant to the provisions of sections
476 197.3632 and 197.3635, Florida Statutes, and chapters 170 and
477 173, Florida Statutes, or as provided by this act, or by other
478 means authorized by general law now or hereinafter enacted.

479 (e) To exercise such special powers and other express
480 powers as may be authorized and granted by this act in the
481 charter of the district, including powers as provided in any
482 interlocal agreement entered into pursuant to chapter 163,
483 Florida Statutes.

484 (f) The district shall not have the power of eminent
485 domain.

486 (6) SPECIAL POWERS.--The district shall have, and the
487 board may exercise, the following special powers to implement
488 its lawful and special purpose and to provide, pursuant to that
489 purpose, recreational amenities and to operate, maintain, and
490 improve said amenities and associated infrastructure, each of
491 which constitutes a lawful public purpose when exercised
492 pursuant to this charter, subject to, and not inconsistent with,
493 the regulatory jurisdiction and permitting authority of all
494 other applicable governmental bodies, agencies, and any special
495 districts having authority with respect to any area included
496 therein, and to plan, establish, acquire, construct or
497 reconstruct, enlarge or extend, equip, operate, finance, fund,
498 and maintain improvements, systems, facilities, services, works,
499 projects, and infrastructure. Any or all of the following

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500 special powers are granted by this act in order to implement the
501 special purpose of the district:

502 (a) To provide district parks and open space and the
503 continued maintenance, operation, and improvement thereof. This
504 special power includes, but is not limited to, passive and
505 active recreational areas, lakes, and canals, containing picnic
506 shelters, boat ramps and docks, volleyball, basketball, tennis,
507 horseshoe, and shuffleboard courts, playgrounds and open space,
508 wildlife habitat, including the maintenance of any plant or
509 animal species, mitigation areas, landscaping and irrigation,
510 bicycle lanes, jogging paths, riding trails, regulatory or
511 informational signage, and all other customary elements of such
512 park and open-space areas and any related interest in real or
513 personal property.

514 (b) To provide buildings, structures, and like
515 improvements and the continued maintenance, operation, and
516 improvement thereof. This special power includes, but is not
517 limited to, bathroom facilities, maintenance buildings, lighting
518 and security facilities such as walls and guardhouses, parking
519 areas, wildlife observation towers, stables, and stormwater
520 facilities necessary and incidental to the recreational
521 amenities, and associated infrastructure or any other project
522 authorized or granted by this act.

523 (c) To establish and create, at noticed meetings, such
524 governmental departments of the board of supervisors of the
525 district, as well as committees, task forces, boards, or
526 commissions, or other agencies under the supervision and control
527 of the district, as from time to time the members of the board

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528 may deem necessary or desirable in the performance of the acts
529 or other things necessary to exercise the board's general or
530 special powers to implement an innovative project to carry out
531 the special purpose of the district as provided in this act and
532 to delegate the exercise of its powers to such departments,
533 boards, task forces, committees, or other agencies and such
534 administrative duties and other powers as the board may deem
535 necessary or desirable, but only if there is a set of expressed
536 limitations for accountability, notice, and periodic written
537 reporting to the board that shall retain the powers of the
538 board.

539
540 The enumeration of special powers herein shall not be deemed
541 exclusive or restrictive but shall be deemed to incorporate all
542 powers express or implied necessary or incident to carrying out
543 such enumerated special powers, including also the general
544 powers provided by this charter to the district to implement its
545 single purpose. Further, the provisions of this subsection shall
546 be construed liberally in order to carry out effectively the
547 special purpose of this district under this act.

548 Section 6. Borrowing; revenue.--

549 (1) BORROWING.--The district at any time may obtain loans,
550 in such amount and on such terms and conditions as the board may
551 approve, for the purpose of paying any of the expenses of the
552 district or any costs incurred or that may be incurred in
553 connection with any of the projects of the district, which loans
554 shall bear interest as the board determines, not to exceed the
555 maximum rate allowed by general law, and may be payable from and

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556 secured by a pledge of such funds, revenues, taxes, and
557 assessments as the board may determine. For the purpose of
558 defraying such costs and expenses, the district may issue
559 negotiable notes, warrants, or other evidences of debt to be
560 payable at such times and to bear such interest as the board may
561 determine, not to exceed the maximum rate allowed by general
562 law, and to be sold or discounted at such price or prices not
563 less than 95 percent of par value and on such terms as the board
564 may deem advisable. The board shall have the right to provide
565 for the payment thereof by pledging the whole or any part of the
566 funds, revenues, taxes, and assessments of the district. The
567 approval of the electors residing in the district shall not be
568 necessary except when required by the State Constitution.

569 (2) AD VALOREM TAXES; ASSESSMENTS, MAINTENANCE SPECIAL
570 ASSESSMENTS, AND SPECIAL ASSESSMENTS.--

571 (a) Ad valorem taxes.--The board of supervisors shall have
572 the power to levy and assess an ad valorem tax on all the
573 taxable property in the district to maintain, operate, and
574 perform improvements of recreational amenities and associated
575 infrastructure. An ad valorem tax levied by the board for
576 operating purposes shall not exceed 3 mills. The ad valorem tax
577 provided for herein shall be in addition to county and all other
578 ad valorem taxes provided for by law. Such tax shall be
579 assessed, levied, and collected in the same manner and at the
580 same time as county taxes and as provided for by the
581 intergovernmental agreements required in section 4 of this act.
582 The levy of ad valorem taxes must be approved by referendum as
583 required by Section 9 of Article VII of the State Constitution.

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584 (b) Enforcement of taxes.--The collection and enforcement
585 of all taxes levied by the district shall be at the same time
586 and in like manner as county taxes; and the provisions of the
587 laws of the state relating to the sale of lands for unpaid and
588 delinquent county taxes, the issuance, sale, and delivery of tax
589 certificates for such unpaid and delinquent county taxes, the
590 redemption thereof, the issuance to individuals of tax deeds
591 based thereon, and all other procedures in connection therewith
592 shall be applicable to the district to the same extent as if
593 such statutory provisions were expressly set forth herein. All
594 taxes shall be subject to the same discounts as county taxes.
595 All taxes provided for in this act shall become delinquent and
596 bear penalties on the amount of such taxes in the same manner as
597 county taxes.

598 (c)1. Maintenance special assessments.--To maintain and
599 preserve the recreational amenities and associated
600 infrastructure of the district, the board may levy a maintenance
601 special assessment.

602 2. Special assessments.--To operate and improve the
603 recreational amenities and associated infrastructure of the
604 district, the board may levy a special assessment.

605
606 Assessment may be evidenced to and certified to the property
607 appraiser by the board of supervisors by a date each year as
608 determined by interlocal agreement and shall be entered by the
609 property appraiser on the county tax rolls and shall be
610 collected and enforced by the tax collector in the same manner
611 and at the same time as county taxes, and the proceeds therefrom

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612 shall be paid to the district. However, this subsection shall
 613 not prohibit the district in its discretion from using a method
 614 prescribed in section 197.363, section 197.3631, section
 615 197.3632, or section 197.3635, Florida Statutes, or chapter 173,
 616 Florida Statutes, for collecting and enforcing these
 617 assessments. These maintenance special assessments shall be a
 618 lien on the property against which assessed until paid and shall
 619 be enforceable in like manner as county taxes. The amount of the
 620 maintenance special assessment for the exercise of the
 621 district's powers under this section shall be determined by the
 622 board based upon a report of the district's engineer and
 623 assessed by the board upon such lands, which shall be all of the
 624 lands within the district benefited by the maintenance thereof,
 625 apportioned between the benefited lands in proportion to the
 626 benefits received by each tract of land.

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

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

637 (4) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND
 638 MODIFICATIONS.--The district is authorized to prescribe, fix,
 639 establish, and collect reasonable user fees, rentals, or other

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640 charges, and to revise the same from time to time, for the use
641 of the recreational amenities and associated infrastructure
642 furnished by the district pursuant to the adoption procedure
643 prescribed by section 190.035, Florida Statutes. Such user fees,
644 rentals, and charges shall be just and equitable and uniform for
645 users of the same class and, when appropriate, may be based or
646 computed either upon the amount of service furnished, upon the
647 average number of persons residing or working in or otherwise
648 occupying the premises served, or upon any other factor
649 affecting the use of the facilities furnished, or upon any
650 combination of the foregoing factors, as may be determined by
651 the board on an equitable basis.

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

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

661 Section 7. Procurement; suits; exemption of district
662 property; modifications to district boundaries; notice to
663 purchasers.--

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

667 (2) SUITS.--Suits against the district as described in

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668 section 190.043, Florida Statutes, shall be subject to the
669 limitations provided in section 768.28, Florida Statutes.

670 (3) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.--All
671 district property shall be exempt from levy and sale by virtue
672 of an execution, and no execution or other judicial process
673 shall issue against such property, nor shall any judgment
674 against the district be a charge or lien on its property or
675 revenues.

676 (4) TERMINATION, CONTRACTION, OR EXPANSION OF THE
677 DISTRICT.--

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

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

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

685 2. The district has become inactive pursuant to section
686 189.4044, Florida Statutes.

687 (5) INCLUSION OF TERRITORY.--The inclusion of any or all
688 territory of the district within a municipality does not change,
689 alter, or affect the boundary, territory, existence, or
690 jurisdiction of the district.

691 (6) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
692 DISCLOSURE TO PURCHASER.--Subsequent to the creation of the
693 district under this act, each contract for the sale of a parcel
694 of real property within the district shall include, immediately
695 prior to the space reserved in the contract for the signature of

696 | the purchaser, the following disclosure statement in boldfaced
 697 | and conspicuous type which is larger than the type in the
 698 | remaining text of the contract: "THE LAKE PADGETT ESTATES
 699 | INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES OR
 700 | ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
 701 | THESE TAXES AND ASSESSMENTS PAY FOR THE OPERATION, MAINTENANCE,
 702 | AND IMPROVEMENT COSTS OF CERTAIN RECREATIONAL AMENITIES AND
 703 | ASSOCIATED INFRASTRUCTURE AND SERVICES OF THE DISTRICT AND ARE
 704 | SET ANNUALLY BY THE BOARD OF SUPERVISORS OF THE DISTRICT. THESE
 705 | TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL
 706 | GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
 707 | ASSESSMENTS PROVIDED FOR BY LAW."

708 | (7) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30 days
 709 | after the election of the first board of supervisors, the
 710 | district shall cause to be recorded in the grantor-grantee index
 711 | of the property records of Pasco County a "Notice of Creation
 712 | and Establishment of the Lake Padgett Estates Independent
 713 | Special District." The notice shall, at a minimum, include the
 714 | legal description of the property covered by this act.

715 | Section 8. If any provision of this act is determined
 716 | unconstitutional or otherwise determined invalid by a court of
 717 | law, all the rest and remainder of the act shall remain in full
 718 | force and effect as the law of this state.

719 | Section 9. This act shall take effect July 1, 2006, except
 720 | that the provisions of this act which authorize the levy of ad
 721 | valorem taxation shall take effect only upon express approval by
 722 | a majority vote of those qualified electors of the Lake Padgett
 723 | Estates Independent Special District voting in a referendum

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724 | election held at such time as all members of the board of
725 | supervisors are qualified electors who are elected by qualified
726 | electors of the district as provided in this act.