

ENROLLED
HB 479, Engrossed 1

2006 Legislature

1 A bill to be entitled

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

25
26 Be It Enacted by the Legislature of the State of Florida:
27

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28 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 4 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

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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.

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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 4.

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 6.

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

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109 | of the State Constitution.

110 | (1) "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

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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

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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

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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

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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

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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

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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

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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.

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

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

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

314 3. Maintain and operate the recreational amenities and
 315 associated infrastructure of the district.

316 4. Approve and adopt a budget for the fiscal year 2006-
 317 2007.

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

322 (2) (a) The board of supervisors shall exercise the powers
 323 granted to the district pursuant to this act. The board shall

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324 consist of five members, each of whom shall hold office for a
325 term of 2 years or until a new board is elected by the qualified
326 electors of the district at the general election in November
327 every 2 years. Members of the board must be citizens of the
328 United States and qualified electors residing within the
329 district.

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

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

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

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351 as practicable.

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

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

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

377 (8) Each member of the board shall be entitled to receive

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

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

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

393 Section 5. Board of supervisors; administrative duties;
 394 general and special powers.--

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

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

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

404 (a) The district shall provide financial reports in such

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405 form and such manner as prescribed pursuant to this act,
406 chapters 189 and 218, Florida Statutes, and section 190.008,
407 Florida Statutes.

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

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

438 (4) DISCLOSURE OF PUBLIC FINANCING.--The district shall
 439 take affirmative steps to provide for the full disclosure of
 440 information relating to the public financing of the maintenance,
 441 operation, and improvement of the recreational amenities and
 442 associated infrastructure undertaken by the district. Such
 443 information shall be made available to all existing residents
 444 and all prospective residents of the district. The district
 445 shall furnish each landowner within the district a copy of that
 446 information.

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

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

456 (b) To maintain an office at such place or places as the
 457 board of supervisors designates in Pasco County, and within the

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458 district when facilities are available.

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

464 (d) To determine, order, levy, impose, collect, and
465 enforce assessments pursuant to this act and chapter 170,
466 Florida Statutes, pursuant to authority granted in section
467 197.3631, Florida Statutes, or pursuant to other provisions of
468 general law which provide or authorize a supplemental means to
469 order, levy, impose, or collect special assessments. Such
470 special assessments, in the discretion of the district, may be
471 collected and enforced pursuant to the provisions of sections
472 197.3632 and 197.3635, Florida Statutes, and chapters 170 and
473 173, Florida Statutes, or as provided by this act, or by other
474 means authorized by general law now or hereinafter enacted.

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

480 (f) The district shall not have the power of eminent
481 domain.

482 (6) SPECIAL POWERS.--The district shall have, and the
483 board may exercise, the following special powers to implement
484 its lawful and special purpose and to provide, pursuant to that

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485 purpose, recreational amenities and to operate, maintain, and
486 improve said amenities and associated infrastructure, each of
487 which constitutes a lawful public purpose when exercised
488 pursuant to this charter, subject to, and not inconsistent with,
489 the regulatory jurisdiction and permitting authority of all
490 other applicable governmental bodies, agencies, and any special
491 districts having authority with respect to any area included
492 therein, and to plan, establish, acquire, construct or
493 reconstruct, enlarge or extend, equip, operate, finance, fund,
494 and maintain improvements, systems, facilities, services, works,
495 projects, and infrastructure. Any or all of the following
496 special powers are granted by this act in order to implement the
497 special purpose of the district:

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

510 (b) To provide buildings, structures, and like
511 improvements and the continued maintenance, operation, and

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512 improvement thereof. This special power includes, but is not
513 limited to, bathroom facilities, maintenance buildings, lighting
514 and security facilities such as walls and guardhouses, parking
515 areas, wildlife observation towers, stables, and stormwater
516 facilities necessary and incidental to the recreational
517 amenities, and associated infrastructure or any other project
518 authorized or granted by this act.

519 (c) To establish and create, at noticed meetings, such
520 governmental departments of the board of supervisors of the
521 district, as well as committees, task forces, boards, or
522 commissions, or other agencies under the supervision and control
523 of the district, as from time to time the members of the board
524 may deem necessary or desirable in the performance of the acts
525 or other things necessary to exercise the board's general or
526 special powers to implement an innovative project to carry out
527 the special purpose of the district as provided in this act and
528 to delegate the exercise of its powers to such departments,
529 boards, task forces, committees, or other agencies and such
530 administrative duties and other powers as the board may deem
531 necessary or desirable, but only if there is a set of expressed
532 limitations for accountability, notice, and periodic written
533 reporting to the board that shall retain the powers of the
534 board.

535
536 The enumeration of special powers herein shall not be deemed
537 exclusive or restrictive but shall be deemed to incorporate all
538 powers express or implied necessary or incident to carrying out

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539 such enumerated special powers, including also the general
540 powers provided by this charter to the district to implement its
541 single purpose. Further, the provisions of this subsection shall
542 be construed liberally in order to carry out effectively the
543 special purpose of this district under this act.

544 Section 6. Borrowing; revenue.--

545 (1) BORROWING.--The district at any time may obtain loans,
546 in such amount and on such terms and conditions as the board may
547 approve, for the purpose of paying any of the expenses of the
548 district or any costs incurred or that may be incurred in
549 connection with any of the projects of the district, which loans
550 shall bear interest as the board determines, not to exceed the
551 maximum rate allowed by general law, and may be payable from and
552 secured by a pledge of such funds, revenues, taxes, and
553 assessments as the board may determine. For the purpose of
554 defraying such costs and expenses, the district may issue
555 negotiable notes, warrants, or other evidences of debt to be
556 payable at such times and to bear such interest as the board may
557 determine, not to exceed the maximum rate allowed by general
558 law, and to be sold or discounted at such price or prices not
559 less than 95 percent of par value and on such terms as the board
560 may deem advisable. The board shall have the right to provide
561 for the payment thereof by pledging the whole or any part of the
562 funds, revenues, taxes, and assessments of the district. The
563 approval of the electors residing in the district shall not be
564 necessary except when required by the State Constitution.

565 (2) AD VALOREM TAXES; ASSESSMENTS, MAINTENANCE SPECIAL

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566 ASSESSMENTS, AND SPECIAL ASSESSMENTS.--

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

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

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593 county taxes.

594 (c)1. Maintenance special assessments.--To maintain and
595 preserve the recreational amenities and associated
596 infrastructure of the district, the board may levy a maintenance
597 special assessment.

598 2. Special assessments.--To operate and improve the
599 recreational amenities and associated infrastructure of the
600 district, the board may levy a special assessment.

601
602 Assessment may be evidenced to and certified to the property
603 appraiser by the board of supervisors by a date each year as
604 determined by interlocal agreement and shall be entered by the
605 property appraiser on the county tax rolls and shall be
606 collected and enforced by the tax collector in the same manner
607 and at the same time as county taxes, and the proceeds therefrom
608 shall be paid to the district. However, this subsection shall
609 not prohibit the district in its discretion from using a method
610 prescribed in section 197.363, section 197.3631, section
611 197.3632, or section 197.3635, Florida Statutes, or chapter 173,
612 Florida Statutes, for collecting and enforcing these
613 assessments. These maintenance special assessments shall be a
614 lien on the property against which assessed until paid and shall
615 be enforceable in like manner as county taxes. The amount of the
616 maintenance special assessment for the exercise of the
617 district's powers under this section shall be determined by the
618 board based upon a report of the district's engineer and
619 assessed by the board upon such lands, which shall be all of the

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620 lands within the district benefited by the maintenance thereof,
 621 apportioned between the benefited lands in proportion to the
 622 benefits received by each tract of land.

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

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

633 (4) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND
 634 MODIFICATIONS.--The district is authorized to prescribe, fix,
 635 establish, and collect reasonable user fees, rentals, or other
 636 charges, and to revise the same from time to time, for the use
 637 of the recreational amenities and associated infrastructure
 638 furnished by the district pursuant to the adoption procedure
 639 prescribed by section 190.035, Florida Statutes. Such user fees,
 640 rentals, and charges shall be just and equitable and uniform for
 641 users of the same class and, when appropriate, may be based or
 642 computed either upon the amount of service furnished, upon the
 643 average number of persons residing or working in or otherwise
 644 occupying the premises served, or upon any other factor
 645 affecting the use of the facilities furnished, or upon any
 646 combination of the foregoing factors, as may be determined by

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647 the board on an equitable basis.

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

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

657 Section 7. Procurement; suits; exemption of district
 658 property; modifications to district boundaries; notice to
 659 purchasers.--

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

663 (2) SUITS.--Suits against the district as described in
 664 section 190.043, Florida Statutes, shall be subject to the
 665 limitations provided in section 768.28, Florida Statutes.

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

672 (4) TERMINATION, CONTRACTION, OR EXPANSION OF THE
 673 DISTRICT.--

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

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

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

681 2. The district has become inactive pursuant to section
 682 189.4044, Florida Statutes.

683 (5) INCLUSION OF TERRITORY.--The inclusion of any or all
 684 territory of the district within a municipality does not change,
 685 alter, or affect the boundary, territory, existence, or
 686 jurisdiction of the district.

687 (6) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
 688 DISCLOSURE TO PURCHASER.--Subsequent to the creation of the
 689 district under this act, each contract for the sale of a parcel
 690 of real property within the district shall include, immediately
 691 prior to the space reserved in the contract for the signature of
 692 the purchaser, the following disclosure statement in boldfaced
 693 and conspicuous type which is larger than the type in the
 694 remaining text of the contract: "THE LAKE PADGETT ESTATES
 695 INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES OR
 696 ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY.
 697 THESE TAXES AND ASSESSMENTS PAY FOR THE OPERATION, MAINTENANCE,
 698 AND IMPROVEMENT COSTS OF CERTAIN RECREATIONAL AMENITIES AND
 699 ASSOCIATED INFRASTRUCTURE AND SERVICES OF THE DISTRICT AND ARE
 700 SET ANNUALLY BY THE BOARD OF SUPERVISORS OF THE DISTRICT. THESE

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701 TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL
702 GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND
703 ASSESSMENTS PROVIDED FOR BY LAW."

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

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

715 Section 9. This act shall take effect July 1, 2006, except
716 that the provisions of this act which authorize the levy of ad
717 valorem taxation shall take effect only upon express approval by
718 a majority vote of those qualified electors of the Lake Padgett
719 Estates Independent Special District voting in a referendum
720 election held at such time as all members of the board of
721 supervisors are qualified electors who are elected by qualified
722 electors of the district as provided in this act.