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1 A bill to be entitled

2 An act relating to the Pinecraft Lighting District,
3 Sarasota County; codifying, amending, reenacting, and
4 repealing chapters 71-911, 72-689, and 76-486, Laws of
5 Florida; providing for maximum limits on special
6 assessments levied by the district; providing for powers,
7 duties, liabilities, and administration of the district;
8 providing for a board of commissioners and its membership,
9 appointment, powers, and duties; providing for the levy,
10 collection, and enforcement of special assessments and the
11 creation of liens upon lands in the district; providing
12 definitions; providing for severability; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. (1) The reenactment of existing law in this
18 act shall not be construed as a grant of additional authority to
19 nor to supersede the authority of any entity pursuant to law.
20 Exceptions to law contained in any special act that are
21 reenacted pursuant to this act shall continue to apply.

22 (2) The reenactment of existing law in this act shall not
23 be construed to modify, amend, or alter any covenants,
24 contracts, or other obligations of the district with respect to
25 bonded indebtedness. Nothing pertaining to the reenactment of
26 existing law in this act shall be construed to affect the
27 ability of the district to levy and collect taxes, assessments,

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28 fees, or charges for the purpose of redeeming or servicing
29 bonded indebtedness of the district.

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31 Florida, are codified, reenacted, amended, and repealed as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

33 Section 3. The Pinecraft Lighting District is re-created
34 and the charter for such district is re-created and reenacted to
35 read:

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

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39 All that part of section 28, township 36 south, range
40 18 east, Sarasota County, Florida, bounded on the east
41 side by Beneva Road, on the south side by Waldemere
42 Street, and south line of Homecroft subdivision, and
43 by Phillipi Creek on the north and west sides, more
44 specifically known as Pinecraft subdivision lots 1
45 through 539, namely, Kaufman, Yoder, Miller, Krupp,
46 Good, Gilbert, Tice, File and Carter Avenues and Zook
47 Place, and Homecroft subdivision blocks A through Q,
48 namely, Schrock, Estrada, Clarinda, Bimini, Hacienda,
49 Gardenia and Birkly Streets.

50
51 Section 2. The business and affairs of the district shall
52 be conducted and administered by a board of five commissioners.
53 The commissioners, upon their appointment and qualification and
54 annually in January, shall organize by electing from their
55 number a chair, vice chair, and secretary-treasurer. The

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56 commissioners shall not receive any compensation for their
57 services as such, but the secretary-treasurer may be paid not
58 more than \$300 per annum from the funds of the district for his
59 or her services as secretary-treasurer. Each commissioner shall,
60 before he or she enters upon his or her duties as commissioner,
61 execute to the Governor, for the benefit of the district, a good
62 and sufficient bond approved by the Circuit Court of Sarasota
63 County, in the sum of \$1,000, with a qualified corporate surety
64 conditioned to faithfully perform the duties of commissioner and
65 to account for all funds to come into his or her hands as
66 commissioner. All premiums for surety on all such bonds shall be
67 paid from the funds of the district.

68 Section 3. (1) Each commissioner shall hold office until
69 his or her successor is appointed and qualified, unless such
70 commissioner ceases to be qualified to act as commissioner or is
71 removed from office.

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

75 (b) All electors of the district shall be eligible for
76 election to the office of commissioner. The commissioners shall
77 be elected by the qualified electors of the district.

78 Section 4. (1) The district shall have the right, power,
79 and authority to levy special assessments for special lighting
80 benefits against the real estate in the district to provide
81 funds for the purpose of the district. The rate of such special
82 assessments for special lighting benefits shall be fixed by a
83 resolution of the board of commissioners, as hereinafter

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84 provided, but shall in no event exceed the sum of \$75 per annum
85 on any one business firm; the sum of \$30 per annum on a home and
86 the parcel of land on which it is located, if not in excess of 1
87 acre; and \$2 per lot on vacant lots in platted subdivisions and
88 \$2 per acre or fraction thereof on unsubdivided acreage.
89 Apartment buildings and tourist courts shall be construed as one
90 business firm.

91 (2) The county property appraiser shall furnish to the
92 commissioners of the district a tax roll covering all taxable
93 properties within the district on which the district
94 commissioners will place the levy for each piece of property
95 thereon on or before September 1 of each year. Any property
96 owner in the district shall each year have the right, during a
97 10-day period to be set by the board after the rolls have had
98 the levy recorded thereon and prior to the billing being mailed,
99 to file a protest in writing against the proposed special
100 assessments for special lighting benefits as to the amount
101 thereof, and to appear before the board in support of such
102 protest. The board shall hold a meeting or meetings during the
103 period to consider such protest and make adjustments to the
104 rolls.

105 (3) Immediately after the adjustment period, the board
106 shall adopt a resolution fixing the rate of special assessment
107 for special lighting benefits and shall return the tax roll to
108 the county property appraiser, having first noted thereon the
109 levy against each parcel of property described thereon. The
110 county property appraiser shall then include in the Sarasota
111 County tax roll the special assessments for special lighting

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112 benefits thus made by the board of commissioners of the
113 Pinecraft Lighting District and the same shall be collected in
114 the manner and form as provided for the collection of county
115 taxes and paid monthly by the tax collector to the board of
116 commissioners. The county tax collector and the county property
117 appraiser shall each receive for his or her services regarding
118 such special assessment for special lighting protection benefits
119 3 percent of the amount collected for the tax collector and 3
120 percent of the amount assessed for the property appraiser, which
121 shall be considered as income of each office respectively
122 pursuant to s. 145.121(1), Florida Statutes. The personnel
123 required to do the special work shall be paid for such special
124 services from the compensation herein provided.

125 Section 5. Such special assessment for special lighting
126 benefits shall be a lien upon the land so assessed along with
127 the county taxes against the same until the special assessments
128 for special lighting benefits have been paid and, if the same
129 become delinquent, shall be considered a part of the county tax
130 subject to the same penalties, charges, fees, and remedies for
131 enforcement and collection and shall be enforced and collected
132 as provided by the laws of the state for the collection of such
133 taxes.

134 Section 6. The proceeds of such special assessments for
135 special lighting benefit and the funds of the district shall be
136 deposited in the name of the district in a bank authorized to
137 receive deposits of county funds, which bank shall be designated
138 by a resolution of the board of commissioners. No funds of the
139 district shall be paid out or disbursed save and except by check

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140 with the signature of at least two commissioners.

141 Section 7. The board of commissioners shall have the power
142 and the authority to borrow money for the purposes of the
143 district in an amount not to exceed 50 percent of the total
144 income from the special assessment for special lighting benefits
145 of the year when such borrowing is done, provided, however, that
146 the total accumulative debt of the district shall never exceed
147 50 percent of the total income in any 1 year. Neither the
148 district commissioners as a body nor any one of them as an
149 individual shall be personally or individually liable for the
150 repayment of such loan; such repayment shall be made out of the
151 special assessments for special lighting benefits receipts of
152 the district. Except as provided in this section, the district
153 commissioners shall not create any indebtedness or incur
154 obligations for any sum or amount which it is unable to pay out
155 of the district funds then in its hands, provided, however, that
156 the district commissioners may make purchases of equipment on an
157 installment basis as necessary, if funds are available for the
158 payment of the current year's installment on such equipment plus
159 the amount due in that year for any other installments and the
160 repayment of any bank loan or other existing indebtedness which
161 may be due that year.

162 Section 8. No funds of the district shall be used for any
163 purpose other than the administration of the affairs and
164 business of the district; for the construction, care,
165 maintenance, upkeep, operation, and purchase of lighting
166 equipment or an office; for payment of public utilities such as
167 telephone and water; or for payments of salaries of an engineer

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168 or maintenance personnel, as the board of commissioners may from
169 time to time determine to be for the best interests of the
170 district.

171 Section 9. The board of commissioners of the district
172 shall have the power and the authority to acquire by gift or
173 purchase a site and such lighting equipment as is deemed
174 necessary for the lighting of the district. The board shall have
175 the authority to hire, at salaries to be determined by the
176 board, an engineer and one or more maintenance personnel who
177 shall operate the lighting equipment.

178 Section 10. (1) The officers of the board of
179 commissioners shall have the duties usually pertaining to,
180 vested in, and incumbent upon like officers. A record shall be
181 kept of all meetings of the board of commissioners and, in such
182 meetings, concurrence of a majority of the commissioners shall
183 be necessary to any affirmative action by the board.

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

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

191 Section 12. The special lighting district shall exist
192 until dissolved by law. Should any part of the territory covered
193 in this act be held not to be included herein, then this act
194 shall continue in effect as to the balance of the territory.

195 Section 13. No suit, action, or proceeding shall be

196 instituted or maintained in any court against the district or
 197 the commissioners, or any commissioner thereof, for or upon any
 198 claim, right, or demand of any kind or nature, unless the person
 199 or persons making such claim or demand or claiming such right
 200 shall have given to the commissioners, or one of them, within 30
 201 days after the alleged accrual of such claim, right, or demand,
 202 a notice in writing setting forth the nature of the right,
 203 claim, or demand; the amount thereof; and the place and manner
 204 in which such claim or right accrued, together with the names
 205 and addresses of all witnesses by whom such claims, rights, or
 206 demands are to be proved or established, all with sufficient
 207 detail to enable the district or the commissioners to fully
 208 investigate such claim, right or demand; and no suit, action, or
 209 proceeding on any such demand shall be instituted within 3
 210 months after such notice shall be given.

211 Section 14. "District" means the special lighting district
 212 hereby organized and "board of commissioners" means the board of
 213 commissioners of and for the district when used in this act,
 214 unless otherwise specified.

215 Section 15. If any clause, section, or provision of this
 216 act is declared to be unconstitutional or invalid for any cause
 217 or reason, the same shall be eliminated from this act, and the
 218 remaining portion of the act shall be in force and effect and be
 219 as valid as if such portion thereof had not been incorporated
 220 therein.

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

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