

1                                   A bill to be entitled  
 2           An act relating to Jackson County; creating the  
 3           Compass Lake in the Hills Independent Special  
 4           District; providing legislative findings and intent,  
 5           definitions, and policy; providing jurisdiction and  
 6           construction; providing boundaries; providing for a  
 7           governing board and powers, duties, terms of office,  
 8           and election requirements; providing that service on  
 9           the board is without compensation other than  
 10          reimbursement for authorized travel and per diem  
 11          expenses; providing for public records and meetings  
 12          and disclosure of public financing of district  
 13          projects; providing for a district manager, employees,  
 14          and a treasurer; providing authority to issue bonds  
 15          and related instruments and borrow money; providing  
 16          for the levy of ad valorem taxes, special assessments,  
 17          and service charges; specifying a fiscal year and  
 18          providing budget requirements; providing severability;  
 19          requiring a referendum; providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Short title.—This act may be cited as the  
 24 "Compass Lake in the Hills Independent Special District Act."

25           Section 2. Legislative findings and intent; definitions;  
 26 policy.—

27           (1) LEGISLATIVE FINDINGS AND INTENT.—

28           (a) The Compass Lake in the Hills Independent Special

29 District (the "district") is unique and special with a need to:  
 30 1. Protect natural resources;  
 31 2. Maintain existing development, facilities, recreational  
 32 facilities, and roadways for the special benefit of the  
 33 landowners in the district but not to the remainder of Jackson  
 34 County as a whole; and  
 35 3. Ensure that municipal services, including recreational  
 36 services, law enforcement, and road maintenance, may continue to  
 37 be borne by the individual landowners of the district without  
 38 visiting any portion of that burden on the taxpayers of Jackson  
 39 County as a whole.

40 (b) The district created by this act with its general and  
 41 special powers is essential and, for the reasons set forth  
 42 herein, is the best alternative for planning, constructing,  
 43 maintaining, operating, financing, and improving the provision  
 44 of systems, facilities, and services necessary to meet the  
 45 infrastructure and municipal service needs of the district.

46 (c) There is a particular need to implement a specialized  
 47 and limited-purpose independent special district unit of local  
 48 government in connection with the development of the district in  
 49 order to replace the Compass Lake in the Hills Municipal  
 50 Services Taxing Unit adopted by Jackson County, to prevent urban  
 51 sprawl by providing sustaining and freestanding infrastructure,  
 52 and to prevent the needless duplication, fragmentation, and  
 53 proliferation of local government services.

54 (d) The best alternative for creating the district is by  
 55 special act of the Legislature of a single independent special  
 56 district meeting the minimum requirements of chapter 189,

HB 1475

2012

57 Florida Statutes, and the applicable district accountability  
58 general law.

59 (e) The existence and use of a limited, specialized local  
60 government for the district, subject to the Jackson County  
61 comprehensive plan and land development regulations, will result  
62 in a higher propensity to provide for orderly development and  
63 prevent urban sprawl; protect and preserve environmental and  
64 conservation uses and assets; potentially enhance the market  
65 value for both present and future landowners of the property  
66 consistent with the need to protect private property;  
67 potentially enhance the net economic benefit to Jackson County,  
68 including an enhanced tax base to the benefit of all present and  
69 future taxpayers in Jackson County; and result in the sharing of  
70 costs of providing certain systems, facilities, and services in  
71 an innovative, sequential, and flexible manner within the area  
72 to be serviced by the district.

73 (f) The district created and established by this act shall  
74 not exercise or have any comprehensive planning, zoning, or  
75 development permitting power; the establishment of the district  
76 shall not be considered a development order within the meaning  
77 of chapter 380, Florida Statutes; and all applicable planning  
78 and permitting laws, rules, regulations, agreements, and  
79 policies of Jackson County shall control the development of the  
80 land within the district.

81 (g) The creation by this act of the district is not  
82 inconsistent with the Jackson County comprehensive plan.

83 (h) Jackson County does not object to the creation of the  
84 district.

85        (i) It is the legislative intent and purpose of this act  
 86 that no debt or obligations of the district constitute a debt or  
 87 obligation on any local general-purpose government without its  
 88 consent.

89        (j) It is the legislative intent and purpose of this act  
 90 that no local general-purpose government be under any obligation  
 91 or duty to assume any obligation or commitment made by the  
 92 district.

93        (2) DEFINITIONS.—As used in this act, the term:

94        (a) "Compass Lake in the Hills Independent Special  
 95 District" or "district" means the unit of special-purpose local  
 96 government created and chartered by this act, including the  
 97 creation of its charter, and limited to the performance, in  
 98 implementing its single purpose, of those general and special  
 99 powers authorized by its charter under this act, the boundaries  
 100 of which are more specifically set forth in section 4, the  
 101 governing head of which is created and authorized to operate  
 102 with legal existence by this act, and the purpose of which is as  
 103 set forth in this act.

104        (b) "Landowner" means the owner of a freehold estate as it  
 105 appears on the deed record, including a trustee and a private  
 106 corporation, or the owner of a ground lease from a governmental  
 107 entity, which leasehold interest has a remaining term, excluding  
 108 all renewal options, in excess of 50 years. The term does not  
 109 include a reversioner, remainderman, mortgagee, or governmental  
 110 entity, which shall not be counted and need not be notified of  
 111 proceedings under this act.

112        (c) "Qualified elector" means any person at least 18 years

HB 1475

2012

113 of age who is a citizen of the United States, a permanent  
114 resident of the state, and a freeholder or freeholder's spouse  
115 and resident of the district who registers with the Supervisor  
116 of Elections of Jackson County.

117 (3) POLICY.—Based upon its findings, ascertainments,  
118 determinations, intent, purpose, and definitions, the  
119 Legislature states its policy expressly:

120 (a) The district created by this act with its general and  
121 special powers is essential and the best alternative for the  
122 residential, commercial, and other community uses, projects, or  
123 functions in the included portion of Jackson County consistent  
124 with the effective comprehensive plans and serves a lawful  
125 public purpose.

126 (b) The district, which is a government of special  
127 purpose, is limited to its special purpose as expressed in this  
128 act, with the power to provide, plan, implement, construct,  
129 maintain, and finance as a government of special purpose for its  
130 systems, facilities, services, municipal services, improvements,  
131 infrastructure, and projects and possessing financing powers to  
132 fund its management powers over the long term and with sustained  
133 levels of high quality.

134 (c) The creation of the district by and pursuant to this  
135 act, and its exercise of its management and related financing  
136 powers to implement its limited special purpose, does not  
137 constitute a development order and does not invoke any provision  
138 within the meaning of chapter 380, Florida Statutes, and all  
139 applicable governmental planning, environmental, and land  
140 development laws, regulations, rules, policies, and ordinances

141 apply to all development of the land within the jurisdiction of  
 142 the district as created by this act.

143 (d) The district shall operate and function subject to,  
 144 and not inconsistent with, the Jackson County comprehensive plan  
 145 and any applicable development orders, zoning regulations, and  
 146 other land development regulations.

147 (e) The special purpose of the district will not have the  
 148 powers of a general-purpose local government to adopt a  
 149 comprehensive plan or related land development regulations as  
 150 those terms are defined in part II of chapter 163, Florida  
 151 Statutes.

152 (f) This act may be amended, in whole or in part, only by  
 153 subsequent special act of the Legislature. No amendment to this  
 154 act that alters the district boundaries or the general or  
 155 special powers of the district may be considered by the  
 156 Legislature unless it is accompanied by a resolution or official  
 157 statement as provided for in section 189.404(2)(e)4., Florida  
 158 Statutes.

159 Section 3. Creation and establishment; jurisdiction;  
 160 construction; charter with legal description.—

161 (1) The Compass Lake in the Hills Independent Special  
 162 District is created and incorporated as a public body corporate  
 163 and politic, an independent, limited, special-purpose local  
 164 government, an independent special district under section  
 165 189.404, Florida Statutes, and as defined in this act and  
 166 section 189.403(3), Florida Statutes, in and for a certain  
 167 portion of Jackson County. All notices for the enactment by the  
 168 Legislature of this special act have been provided pursuant to

169 the State Constitution, laws of the state, and the Rules of the  
 170 Florida House of Representatives and of the Florida Senate.

171 (2) The territorial boundary of the district shall embrace  
 172 and include all of that certain real property described in  
 173 section 4.

174 (3) The jurisdiction of this district, in the exercise of  
 175 its general and special powers, and in the carrying out of its  
 176 special purposes, is both within the external boundaries of the  
 177 legal description of this district and extraterritorially only  
 178 when expressly authorized by this act or by applicable general  
 179 law. This special-purpose district is created as a public body  
 180 corporate and politic, with local government authority and power  
 181 limited by its charter and this act and subject to the  
 182 provisions of other general laws, in particular chapter 189,  
 183 Florida Statutes, except that in the event that a conflict  
 184 arises between the provisions of applicable general laws and  
 185 this act, the provisions of this act shall control, and the  
 186 district has jurisdiction to perform such acts and exercise such  
 187 authorities, functions, and powers as shall be necessary,  
 188 convenient, incidental, proper, or reasonable for the  
 189 implementation of its limited, single, and specialized purpose  
 190 as set forth in this act.

191 (4) The exclusive charter of the district is this act,  
 192 which may be amended, terminated, or repealed only by special  
 193 act of the Legislature.

194 Section 4. The boundaries of the district are as follows:

195

196 COMPASS LAKE HILLS UNIT ONE, according to the Plat

197 thereof as recorded in Plat Book A-4, Pages 94A  
 198 through 97A inclusive, of the public records of  
 199 Jackson County, Florida.

200  
 201 CORRECTED PLAT OF COMPASS LAKE HILLS UNIT TWO,  
 202 according to the Plat thereof, as recorded in Plat  
 203 Book A-4, Pages 111A through 115A inclusive, of the  
 204 public records of Jackson County, Florida.

205  
 206 COMPASS LAKE HILLS UNIT THREE, according to the Plat  
 207 thereof, as recorded in Plat Book A-4, Pages 116A  
 208 through 123A inclusive, of the public records of  
 209 Jackson County, Florida.

210  
 211 COMPASS LAKE HILLS UNIT FOUR, according to the plat  
 212 thereof, as recorded in Plat Book A, Pages 124 through  
 213 129 inclusive, of the public records of Jackson  
 214 County, Florida.

215  
 216 COMPASS LAKE HILLS UNIT FIVE, according to the Plat  
 217 thereof, as recorded in Plat Book A-4, Pages 130  
 218 through 140 inclusive, of the public records of  
 219 Jackson County, Florida.

220  
 221 COMPASS LAKE HILLS UNIT SIX, according to the Plat  
 222 thereof, as recorded in Plat Book A-4, Pages 141  
 223 through 150 inclusive, of the public records of  
 224 Jackson County, Florida.



225  
 226 COMPASS LAKE HILLS UNIT 3-A, according to the Plat  
 227 thereof, as recorded in Plat Book A-4, Page 156-A, of  
 228 the public records of Jackson County, Florida.

229  
 230 COMPASS LAKE HILLS UNIT 3-B, according to the Plat  
 231 thereof, as recorded in Plat Book A-4, Page 157-A, of  
 232 the public records of Jackson County, Florida.

233  
 234 COMPASS LAKE HILLS UNIT 4-A, according to the Plat  
 235 thereof, as recorded in Plat Book A-4, Page 158-A, of  
 236 the public records of Jackson County, Florida.

237  
 238 COMPASS LAKE HILLS UNIT 6-A, according to the Plat  
 239 thereof, as recorded in Plat Book A-4, Page 159-A, of  
 240 the public records of Jackson County, Florida.

241  
 242 Section 5. Governing board; members and meetings;  
 243 organization; powers; duties; terms of office; related election  
 244 requirements.-

245 (1) The board shall exercise the powers granted to the  
 246 district pursuant to this act. The board shall consist of five  
 247 members. Each member shall hold office for a term of 4 years,  
 248 except as otherwise provided herein for initial board members,  
 249 and until a successor is chosen and qualified.

250 (2) Within 20 days after the effective date of the  
 251 provisions of this act creating the district, notice of a  
 252 landowners' and qualified electors' meeting and election shall

253 be given pursuant to section 298.11, Florida Statutes. At the  
254 election and meeting, those eligible to vote may vote in person  
255 or by absentee ballot. The two persons receiving the highest  
256 number of votes in the landowner election shall be elected for  
257 terms expiring November 30, 2016, and the two persons receiving  
258 the next highest number of votes in that election shall be  
259 elected for terms expiring November 30, 2014. The qualified  
260 elector receiving the highest number of votes in the qualified  
261 elector election shall be elected for a term expiring on  
262 November 30, 2014. The terms of office for each successful  
263 person shall commence upon election.

264 (3) Unless specified otherwise herein, notice for and the  
265 conduct of the landowners' meetings shall be pursuant to  
266 sections 189.4051, 298.11, and 298.12, Florida Statutes.

267 (4) The initial board shall consist of four persons  
268 elected by the landowners on a one-acre/one-vote basis and one  
269 qualified elector elected by qualified electors on a one-  
270 person/one-vote basis.

271 (a) After more than 1,000 qualified electors reside within  
272 the district, two board members shall be qualified electors  
273 elected by the qualified electors and three board members shall  
274 be persons elected by the landowners.

275 (b) After more than 2,000 qualified electors reside within  
276 the district, three board members shall be qualified electors  
277 elected by the qualified electors and two board members shall be  
278 persons elected by the landowners.

279 (c) After more than 3,000 qualified electors reside within  
280 the district, four board members shall be qualified electors

281 elected by the qualified electors and one board member shall be  
282 a person elected by the landowners.

283 (d) After more than 4,000 qualified electors reside within  
284 the district, all board members shall be qualified electors  
285 elected by the qualified electors.

286 (5) All elections shall be held at the general election in  
287 November and shall be conducted by the supervisor of elections.  
288 Any landowner or qualified elector may vote in person or by  
289 absentee ballot; however, there shall be no proxy voting. The  
290 board shall adopt a resolution if necessary to implement this  
291 requirement and process.

292 (6) Board members shall assume the office upon the  
293 expiration of the previous term or immediately if the seat is  
294 vacant.

295 (7) Any member of the board may be removed by the Governor  
296 for malfeasance, misfeasance, dishonesty, incompetency, or  
297 failure to perform the duties imposed upon him or her by this  
298 act, and any vacancies that may occur in such office for such  
299 reasons shall be filled by the Governor as soon as practicable.

300 (8) A majority of the members of the board constitutes a  
301 quorum for the purposes of conducting its business and  
302 exercising its powers and for all other purposes. Action taken  
303 by the district shall be upon a vote of a majority of the  
304 members present unless general law or a rule of the district  
305 requires a greater number.

306 (9) The board shall keep a permanent record book entitled  
307 "Record of Proceedings of Compass Lake in the Hills Independent  
308 Special District," in which shall be recorded minutes of all

HB 1475

2012

309 meetings, resolutions, proceedings, certificates, bonds given by  
310 employees, and any and all corporate acts. The record book and  
311 all other district records shall at reasonable times be opened  
312 to inspection in the same manner as state, county, and municipal  
313 records pursuant to chapter 119, Florida Statutes. The record  
314 book shall be kept at the office or other regular place of  
315 business maintained by the board in a designated location in  
316 Jackson County.

317 (10) A member of the board is not entitled to any  
318 compensation for his or her services but is entitled to  
319 reimbursement for travel and per diem expenses as set forth in  
320 section 112.061, Florida Statutes.

321 (11) All meetings of the board shall be open to the public  
322 and governed by chapter 286, Florida Statutes.

323 Section 6. Governing board; general duties.-

324 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ  
325 and fix the compensation of a district manager, who shall have  
326 charge and supervision of all of the services and works of the  
327 district. It shall not be a conflict of interest under chapter  
328 112, Florida Statutes, for a board member, the district manager,  
329 or another employee of the district to be a qualified elector, a  
330 landowner, or a stockholder, officer, or employee of a qualified  
331 elector or landowner. The district manager may hire or otherwise  
332 employ and terminate the employment of such other persons as may  
333 be necessary and authorized by the board. The compensation and  
334 other conditions of employment of the officers and employees of  
335 the district shall be as provided by the board.

336 (2) TREASURER.-The board shall designate a resident of the

337 state as treasurer of the district, who shall have charge of the  
338 funds of the district. The board may give the treasurer such  
339 other or additional powers and duties as the board may deem  
340 appropriate and may fix his or her compensation. The financial  
341 records of the board shall be audited by an independent  
342 certified public accountant at least once a year.

343 (3) PUBLIC DEPOSITORY.—The board may select as a  
344 depository for its funds any qualified public depository or  
345 depositories as defined in section 280.02, Florida Statutes,  
346 that meet all the requirements of chapter 280, Florida Statutes.

347 (4) DISCLOSURE OF PUBLIC FINANCING.—The district shall, in  
348 accordance with all applicable general law, provide for the full  
349 disclosure of information relating to the public financing and  
350 maintenance of improvements to real property undertaken by the  
351 district.

352 (5) BOARD MEETINGS.—The district shall notice and conduct  
353 board meetings in accordance with chapter 189, Florida Statutes.

354 (6) ISSUANCE OF BOND ANTICIPATION NOTES; BORROWING AND  
355 BONDS.—The district shall have the authority to issue bond  
356 anticipation notes and bonds and to borrow money as provided in  
357 chapter 189, Florida Statutes.

358 (7) GENERAL AND SPECIAL POWERS.—

359 (a) The district shall have all express and implied powers  
360 permitted by law for the government, management, and operation  
361 of the district, including, but not limited to, the power to  
362 levy and collect ad valorem taxes, special assessments, and  
363 service charges on real and tangible personal property; to issue  
364 bonds, revenue certificates, and other obligations of

HB 1475

2012

365 indebtedness, which power shall be exercised in such manner and  
366 subject to such limitations as are provided by general law; to  
367 provide for fire protection, law enforcement, recreation service  
368 and facilities, water, streets, sidewalks, street lighting,  
369 garbage and trash collection and disposal, waste and sewage  
370 collection and disposal, drainage, transportation, and other  
371 essential facilities and municipal services to landowners and  
372 residents of the district; and to enter into appropriate  
373 contracts for the exercise of these powers. The district,  
374 through the board, shall have the specific authority to hire and  
375 employ such attorneys, accountants, and engineers, or to hire  
376 employees, firms, or corporations, as shall be necessary, in the  
377 discretion of the board, to carry out the purposes for which the  
378 district was created. The district, through the board, shall  
379 also be authorized to contract for the provision of services,  
380 material, labor, goods, or other necessities directly with the  
381 Board of County Commissioners of Jackson County, with the  
382 governing body of any municipality or governmental subdivision,  
383 with the state or any of its departments or agencies, or with  
384 any private person, firm, or for-profit corporation.

385 (b) The board may exercise all of the general and special  
386 powers necessary to carry out its special purpose as a local  
387 government public corporate body politic, including those  
388 necessary to implement its specialized systems, facilities,  
389 services, projects, improvements, and infrastructure and related  
390 functions in order to carry out its single specialized purpose,  
391 including any and all other powers, authority, or functions set  
392 forth in this act or in chapter 189 or chapter 190, Florida

393 Statutes, including, but not limited to, sections 190.011 and  
 394 190.012, Florida Statutes.

395 (8) SPECIAL ASSESSMENTS; RATE OF ASSESSMENT.—The district  
 396 shall have the authority to levy special assessments as provided  
 397 in chapter 189, Florida Statutes. For the purpose of levying  
 398 special assessments against the property in the district, it is  
 399 conclusively determined and declared that a special benefit is  
 400 conferred on each lot and subdivided parcel that is appraised by  
 401 the Jackson County Property Appraiser for ad valorem taxation  
 402 purposes in excess of \$1,000. Such special benefit, which is a  
 403 valuable appurtenance to lots and subdivided parcels appraised  
 404 in excess of \$1,000, shall be deemed to accrue equally to each  
 405 of such lots and subdivided parcels, and, accordingly, the rate  
 406 of assessment for each of such lots and subdivided parcels shall  
 407 be equal. Lots and subdivided parcels with an appraised value of  
 408 \$1,000 or less shall be conclusively deemed to receive no  
 409 benefit, and no special assessment shall be levied against such  
 410 lots and subdivided parcels.

411 (9) AD VALOREM TAXES.—The district shall have the  
 412 authority to levy ad valorem taxes as provided in chapter 189,  
 413 Florida Statutes. An ad valorem tax of not more than 10 mills  
 414 may be levied and collected on all taxable real and tangible  
 415 personal property within the district for the provision of  
 416 services, facilities, and benefits as specified herein. For the  
 417 purpose of levy by the district of ad valorem taxes against  
 418 property in the district, it is conclusively determined and  
 419 declared that the inclusion in the district of the property  
 420 described in section 4 confers a special benefit on such

421 property that is different in type and degree from benefits  
 422 provided in Jackson County as a whole.

423 (10) LIMITATIONS.—For a period of 5 years after creation  
 424 of the district, no lot or subdivided parcel shall be subject to  
 425 special assessments and ad valorem taxes that, combined, would  
 426 be in excess of \$165 for any given tax year. After the 5 years,  
 427 no increase of the combined special assessments and ad valorem  
 428 taxes shall exceed 4 percent in any given year.

429 (11) METHOD OF LEVY AND COLLECTION OF AD VALOREM TAXES AND  
 430 SPECIAL ASSESSMENTS.—All ad valorem taxes and special  
 431 assessments of the district shall be levied and collected as  
 432 provided in chapter 189, Florida Statutes, and in the manner  
 433 provided by law for the levy and collection of county ad valorem  
 434 taxes and county and municipal special assessments. All special  
 435 assessments and taxes of the district shall constitute a lien,  
 436 as of January 1 of each tax year, of equal dignity with the lien  
 437 for county taxes, upon all the real and personal property  
 438 against which such special assessments and taxes shall be  
 439 levied. All of the provisions of general law relating to the  
 440 sale of lands for unpaid and delinquent county taxes, the  
 441 issuance, sale, and delivery of tax certificates for such unpaid  
 442 and delinquent county taxes, the redemption thereof, the  
 443 issuance to individuals of tax deeds thereon, and all other  
 444 procedures in connection therewith shall be applicable to the  
 445 district to the same extent as if such provisions therefor were  
 446 expressly set forth herein. All special assessments and taxes  
 447 shall be subject to the same discounts as county taxes.

448 (12) FISCAL YEAR.—The district's fiscal year shall begin



449 on October 1 and end on September 30 of each year and as  
 450 provided in chapter 189, Florida Statutes. Any excess funds from  
 451 any previous fiscal year shall be carried over into the  
 452 subsequent fiscal year, as generally provided by law, and shall  
 453 not be returned directly to landowners.

454 (13) BUDGET; REPORTS AND REVIEWS.—The district shall  
 455 provide financial reports and adopt budgets in such form and  
 456 manner as prescribed pursuant to this act and chapter 218,  
 457 Florida Statutes. A proposed annual budget for each fiscal year  
 458 after the initial fiscal year shall be prepared by the board,  
 459 which proposed budget shall outline in detail the specific  
 460 services and budgeted costs therefor to be expended by the board  
 461 on behalf of the district. The proposed budget shall be prepared  
 462 and made available for inspection and copying in the board's  
 463 office by July 1 of each year. Any input of information or  
 464 request for services or expenditures from the landowners and  
 465 qualified electors shall be made, in writing, to the board on or  
 466 before June 1 of each year. The board shall also hold a public  
 467 hearing to consider the proposed budget. The board shall, at  
 468 that meeting, or at any recommencement thereof after adjournment  
 469 thereof, pass its resolution adopting a budget and assessing  
 470 such ad valorem taxes, special assessments, or service charges,  
 471 or any combination thereof, as shall be necessary in the  
 472 discretion of the board to produce sufficient revenues to  
 473 provide the services and make the expenditures provided for in  
 474 the budget. Upon passing such resolution, the board shall  
 475 certify to the Jackson County Tax Collector the ad valorem taxes  
 476 or special assessments to be levied on each lot or subdivided

HB 1475

2012

477 parcel within the district for that tax year.

478 Section 7. Severability.—If any provision of this act is  
479 determined unconstitutional or otherwise determined invalid by a  
480 court of law, all the rest and remainder of the act shall remain  
481 in full force and effect.

482 Section 8. This act shall take effect only upon its  
483 approval by a majority vote of those qualified electors of  
484 Jackson County voting in a referendum to be called by the  
485 Jackson County Supervisor of Elections in conjunction with the  
486 next primary, general, special, or other election to be held in  
487 the county, except that this section shall take effect upon  
488 becoming a law.