

Senate Bill No. 2582

An act relating to the Carrollwood Recreation District, Hillsborough County; providing intent; deleting provisions which have had their effect; improving clarity; adding definitions; providing for nonpartisan, biennial elections and a transition schedule; providing for appointment of trustees under certain circumstances; clarifying voting procedures of the trustees; adding standard business practices of the district, including adopting bylaws, creating a petty cash fund, calling meetings, investing the funds of the district, opening an account at its designated depository, entering into agreements, and acquiring and disposing of property; repealing chapter 98-475, Laws of Florida; providing an effective date.

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

Section 1. It is the intent of the Legislature that this act supersede chapter 98-475, Laws of Florida, which codified, revised, and amended extant law and created law relating to the Carrollwood Recreation District. The purpose of this act is to delete provisions that have had their effect; to improve clarity and facilitate correct interpretation; to change the election procedures and further clarify and enumerate the general powers of the district; and to repeal ch. 98-475, Laws of Florida, to preclude the proliferation of special acts relating to the district.

Section 2. (1) The area described in section 3 is an independent special district approved by referendum on December 5, 1972; is to be called the Carrollwood Recreation District; and has the powers and duties set forth in this act.

(2) Each improved residential parcel is uniformly benefited by the provisions of this act and shall be assessed equally a recreation district tax provided for in this act.

(3) Use of the facilities and property of the district is limited to residents and nonresident property owners within the district and their family members and guests and such other persons and groups as the board authorizes.

Section 3. (1) Included in the district are:

(a) Carrollwood Subdivision, Hillsborough County, Florida:

<u>UNIT NO.</u>	<u>PLAT BOOK</u>	<u>PAGE NO.</u>
<u>1</u>	<u>35</u>	<u>40</u>
<u>2</u>	<u>35</u>	<u>54</u>
<u>3</u>	<u>35</u>	<u>76</u>
<u>4</u>	<u>37</u>	<u>2</u>
<u>5</u>	<u>37</u>	<u>62</u>
<u>6</u>	<u>37</u>	<u>41</u>
<u>7</u>	<u>38</u>	<u>27</u>
<u>8</u>	<u>38</u>	<u>62</u>

<u>UNIT NO.</u>	<u>PLAT BOOK</u>	<u>PAGE NO.</u>
<u>9</u>	<u>38</u>	<u>63</u>
<u>10</u>	<u>38</u>	<u>81</u>
<u>11</u>	<u>39</u>	<u>31</u>
<u>12</u>	<u>39</u>	<u>4</u>
<u>13</u>	<u>39</u>	<u>42</u>
<u>14</u>	<u>39</u>	<u>86</u>
<u>15</u>	<u>40</u>	<u>1</u>
<u>16</u>	<u>39</u>	<u>97</u>
<u>17</u>	<u>40</u>	<u>53</u>
<u>18</u>	<u>40</u>	<u>50</u>
<u>19</u>	<u>41</u>	<u>36</u>
<u>20</u>	<u>41</u>	<u>8</u>
<u>21</u>	<u>42</u>	<u>39</u>
<u>22-A</u>	<u>43</u>	<u>73</u>
<u>22-B</u>	<u>43</u>	<u>72</u>
<u>23</u>	<u>42</u>	<u>85</u>
<u>24</u>	<u>43</u>	<u>9</u>
<u>25</u>	<u>43</u>	<u>29</u>
<u>26</u>	<u>43</u>	<u>37</u>
<u>27</u>	<u>43</u>	<u>81</u>
<u>28</u>	<u>Unplatted</u>	

(b) Tract in the West ½ of the Northeast ¼ of the Southeast ¼ of Section 16, Township 28 South, Range 18 East, Hillsborough County, Florida, which is a tract of 5.117 acres containing the Carrollbrook Condominium Townhouses. (Unplatted)

(c) Tract South 1025 feet of West ½ of Southeast ¼ of Northeast ¼ of Section 16, Township 28 South, Range 18 East, Hillsborough County, Florida, lying East of Dale Mabry Highway. (Unplatted)

(2) Any other real property acquired by the district, including any structure on such property at the time of acquisition or constructed subsequent thereto.

Section 4. As used in this act, the term:

(1) “Board” means the governing body of the district.

(2) “County” means Hillsborough County, Florida.

(3) “District” means the Carrollwood Recreation District.

(4) “Improved residential parcel” means a platted lot or lots on which a single-family home has been erected and those units of Carrollbrook Condominium Townhouses described in section 3.

(5) “Levy” means the imposition of a non-ad valorem assessment, stated in terms of rates, against all improved residential parcels authorized by this act.

(6) “Non-ad valorem assessment” means an assessment that is not based upon millage and that may become a lien against a homestead as permitted in section 4, Article X of the State Constitution.

(7) “Non-ad valorem assessment roll” means the roll prepared by the district and certified to the tax collector for collection.

(8) “Recreation district tax” means a non-ad valorem assessment against each improved residential parcel of the district to be expended as provided by this act.

(9) “Reserve funds” means those moneys held by the district for the repayment of any debt and other obligations created pursuant to section 7 and for known or planned future expenditures which have been adopted by resolution and which funds may be carried forward from one fiscal year to the next.

(10) “Resolution” means a formal, written expression, such as a copy of the minutes, of an action adopted by vote of the trustees.

(11) “Revenues of the district” means moneys acquired through non-ad valorem assessment, fees derived from the use of facilities, and interest income thereon.

(12) “Supervisor” means the supervisor of elections of the county.

(13) “Surplus funds” means revenues of the district less the reserve funds and which funds may be carried forward from one fiscal year to the next.

(14) “Trustee” means a member of the governing body of the district.

Section 5. The business of the district shall be conducted by a board of nine trustees, elected in nonpartisan elections or appointed as provided in this act, each of whom shall serve for a term of 2 years and may be subsequently reelected.

(1) To serve on the board as a trustee, a person must be a qualified elector residing within the district. To qualify to have his or her name placed on the ballot, a person shall submit the qualifying fee required in subsection (2)(c) of s. 189.405, Florida Statutes, or present a written petition to the supervisor signed by not fewer than 15 qualified electors of the district during the time period specified in subsection (2) of s. 99.061, Florida Statutes. Any candidate who collects and expends campaign contributions shall do so in accordance with chapter 106, Florida Statutes. A candidate is exempt from the provisions of chapter 106, Florida Statutes, which requires the establishment of a bank account, appointing a campaign treasurer, and filing periodic reports if, at the time of qualifying, that candidate declares in writing to the supervisor that he or she will not collect or expend any campaign contributions except for the payment of the qualifying fee or the expenditure of funds for the cost of verification of signatures on petitions.

(2) The board shall provide each residence in the district written notification of the names of the candidates for trustees not less than 15 days before the date of the election for which the candidates have qualified. The board shall also publish notice of the names of the candidates one time at least 10 days before the election in a newspaper of general circulation in the county.

(3)(a) Beginning in November 2000, biennial elections shall be conducted by the supervisor during the general election specified in s. 100.031, Florida Statutes, and in accordance with the Florida Election Code except as otherwise provided by this act. It is further provided that, in order to provide for an orderly transition to biennial elections, each of the trustees serving on the effective date of this act or subsequently appointed to fill any of the remaining term of any of those positions shall continue in office until elections are held in the year 2000 and the term of office for all nine trustees shall commence in January 2001, in accordance with this act. The candidates receiving the highest number of votes cast shall be declared elected to fill the number of vacancies to be filled on the board and shall receive a certificate of election from the supervisor.

(b) All qualified electors residing within the district are eligible to vote in district elections, providing such electors have registered to vote before the closing of the registration records for such election. All election ballots shall be prepared by the supervisor, and the ballot language shall be substantially in the following form:

Board of Trustees of Carrollwood Recreation District
(stating their names).

(c) The supervisor shall canvass the returns of the election and announce the results upon completion. In case two persons receive an equal and highest number of votes for the last position to be filled, under the supervision of the supervisor, such persons shall draw lots to determine who shall be elected to the office.

(4) The cost of conducting trustee elections and any referendum as further provided in this act, including compensation for any additional persons employed by the supervisor in excess of those costs already required by any other election being held on the same date, shall be fixed by the supervisor with the approval of the board of trustees and shall be paid by the board on behalf of the district.

Section 6. The business of the district shall be conducted in the following manner:

(1) Each trustee shall take office in accordance with subsection (4) of s. 100.041, Florida Statutes, and shall serve until his or her successor is elected or appointed as provided by this act.

(2) The fiscal year of the district shall begin October 1.

(3) Six trustees constitute a quorum, and the board may not conduct official business without a quorum present. A vote of a majority of the members present is required to pass any motion or resolution before the board and for taking a binding vote on any issue. If at any time the number of trustees drops below six, the Governor shall immediately appoint the number of trustees from among the qualified electors of the district necessary to attain a quorum, and each such appointee shall serve until his or her successor is elected or appointed as provided by this act.

(4) The board is subject to all laws of the state relating to open government, financial disclosure, avoidance of conflicts of interest, and ethics.

(5) A trustee is not entitled to compensation for services rendered on behalf of the district, but is entitled to be reimbursed from funds of the district for any authorized disbursements properly incurred in behalf of the district. The president, the vice president, and the treasurer are authorized to execute checks and documents on behalf of the district, and any disbursement of funds, except those expended from the petty cash fund, must be by check or draft signed by any two of the three officers so authorized. Any trustee authorized to sign checks of the district or otherwise designated to handle its funds shall, before entering upon such duties, execute to the Governor of the state for the benefit of the district a good and sufficient bond in the sum of \$5,000 with a qualified corporate surety, conditioned to faithfully perform the duties of a trustee and to account for any district funds to which he or she may have access.

(6) In accordance with subsection (3) of section 768.1355, Florida Statutes, members of the governing board of the district shall incur no civil liability and shall have immunity from suit as provided in section 768.28, Florida Statutes, for acts or omissions relating to conduct of the official duties of the board.

Section 7. The board has the power and duty to:

(1) Hold an organizational session annually on the first Tuesday after the first Monday in January, or as soon thereafter as practicable, to elect from its membership a president, a vice president, a secretary, and a treasurer, each of whom shall be elected for a 1-year term and may be subsequently re-elected, and to establish a regular monthly meeting date, time, and place which shall be advertised in a newspaper of general circulation in the county as soon thereafter as practicable.

(2) Keep a record of each of its meetings and conduct its business as a public body.

(3) Transact the business of the district, including expending funds from the depository and any reserve and surplus fund accounts.

(4) Establish in its bylaws provisions for creating a petty cash fund and expending moneys from that fund.

(5) Establish in its bylaws provisions for calling of any meetings in addition to those provided in subsection (1), which provisions shall include the requirement of proper public notice.

(6) By resolution, invest surplus and reserve funds of the district in accordance with general law relating to financial matters pertaining to political subdivisions and with s. 215.44(1), Florida Statutes.

(7) Levy a non-ad valorem assessment, known as a "recreation district tax," against each improved residential parcel within the district for the purpose of funding the needs of the district as provided in this act.

(8) Perform other duties, when applicable, required by chapter 189, Florida Statutes, relating to special districts and for the levy, collection, and enforcement of the non-ad valorem assessment pursuant to chapter 197, Florida Statutes, and this act.

(9) Designate a depository which is qualified as a public depository pursuant to s. 280.04, Florida Statutes, and establish an account to which revenues of the district are to be initially deposited and from which expenditures and transfers to and from reserve and surplus fund accounts may be made.

(10) Purchase and lease as lessor or lessee real and personal property on behalf of the district and pay for such purchases either with cash or by the issuance of bonds or revenue certificates.

(11) Sell the real and personal property of the district.

(12) Construct and improve real and personal property of the district.

(13) Operate, supervise, and maintain recreational facilities or enter into arrangements with others for such operation and maintenance pursuant to contract or lease or otherwise.

(14) Adequately insure the facilities, properties, and operations of the district as well as the trustees of the district, jointly and severally, in the performance of their duties if the board finds such insurance to be necessary.

(15) Establish, charge, and collect reasonable fees for admission to or use of recreational facilities, provided the use of the facilities is extended to residents and nonresident owners within the district and their family members and guests and such other persons and groups as the board authorizes, and apply such fees to the operation, maintenance, improvement, or acquisition of recreational facilities and to the payment of bonds, notes, or revenue certificates of the district.

(16)(a) Incur debt and other obligations on behalf of the district, including issuing bonds, refunding bonds, or other obligations issued for such purposes or notes and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district, including the purchase of lands, buildings, and other improvements; however, the aggregate amount of all obligations of the district payable in any fiscal year may not exceed the aggregate amount of all revenue received by the district from all sources during such fiscal year. Such obligations may be authorized by resolution and may contain such terms, covenants, and conditions and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Bonds may be issued to finance, in whole or in part, the cost of construction, acquisition, or improvement of real and personal property of the district. The trustees, in determining such costs, may include all costs and estimated costs of the issuance of the bonds; all engineering, inspection, fiscal, and legal expenses; all costs of preliminary surveys, plans, maps, and specifications; initial reserve funds for debt service; the costs of the services of persons, firms, corporations, partnerships, or associations employed, or consultants, advisors, or engineers or fiscal,

financial, or other experts in the planning, preparation, and financing of the district, or any asset thereof, upon such terms and conditions as the trustees find appropriate. The bonds may be sold all at one time or in blocks from time to time, at public or private sale, or, if refunding bonds, may also be delivered and exchanged for the outstanding obligations to be refunded thereby in such manner as determined by the trustees by resolution. Pending the preparation of the definitive bonds, interim certificates or receipts, or temporary bonds in such form and with such provisions as the trustees determine may be issued to the purchaser or purchasers of the bonds sold pursuant to this act. The bonds, and such interim certificates or receipts or temporary bonds, shall be fully negotiable.

(b) Secure bonds, notes, or other certificates of indebtedness and interest thereon by pledging to the punctual payment of such obligations recreation district tax revenues, by mortgaging property owned by the district, and by pledging an amount of the revenue derived from fees charged for the use of the facilities and services of the district and the reserve funds, if applicable.

(c) Deliver purchase-money notes and mortgages.

(d) Create and maintain reasonable reserve funds for the repayment of such debt and other obligations created pursuant to this subsection and for known or planned future expenditures which have been adopted by resolution of the board.

(17) Prepare a financial statement of revenue and expenditures during the prior fiscal year and a balance sheet as of the close of the fiscal year annually by November 30.

(18)(a) Prepare and adopt by July 1 annually an itemized budget, including projected revenues and expenditures for the next fiscal year, which reflects the district tax to be assessed and collected upon the taxable property of the district for the next year.

(b) Hold a public hearing at which time property owners and residents within the district may appear and be heard before the adoption of the budget, and provide notice of the time and place of the public hearing once in a newspaper of general circulation within the county not less than 21 days before the public hearing.

(c) Fix by August 1 annually the tax to be assessed annually.

(d) Transfer funds among line items of the budget, after its adoption, a maximum of 20 percent each fiscal year to meet unforeseen contingencies.

(19) Direct the supervisor by resolution of the board to place on the ballot a referendum to change the maximum annual assessment from the amount of \$300, which is the amount approved by referendum and in effect at the time this act becomes a law.

(20) Direct the supervisor by resolution of the board to place on the ballot a referendum during any regularly scheduled election or at the time of any special election being conducted for other purposes within the district for any purpose necessary to conducting the business of the district.

(21) Enter into contracts and agreements, including for such professional services as legal, accounting, law enforcement, and security services.

(22) Sue and be sued except as otherwise provided in this act.

(23) Fill for the unexpired term from among the qualified electors of the district any vacancy on the board, including any which may remain after the Governor, pursuant to this act, or the trustees have made an appointment as provided in this section, by vote of the remaining trustees.

(24) In December of each year in which a district trustee election is held and in the event less than six trustees have run for and been elected during that year's election cycle, appoint an additional trustee or trustees from among the qualified electors of the district necessary to attain a quorum when trustees take office in January, each of whom shall serve for the same term as if elected.

(25) Remove for cause any trustee who fails to discharge the duties of the position after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance.

(26) Receive gifts of real and personal property.

(27) Install and maintain parkways and lighting and acquire and dispose of other facilities for the general purpose of the district.

(28) Employ personnel necessary for the operation and maintenance of the facilities of the district and expend district funds for a surety bond for each employee authorized to handle funds on behalf of the district.

(29) Pay from district funds the premium for a surety bond for specified trustees and any expense incurred on behalf of the district by a trustee as provided by this act.

(30) Adopt rules and bylaws:

(a) For the use of real and personal property owned or leased as lessor or lessee by the district.

(b) To carry out the provisions of this act.

Section 8. The tax collector shall include on the combined notice for ad valorem and non-ad valorem assessments as provided by section 197.3635, Florida Statutes, the non-ad valorem assessment established by the board, and the assessment shall be collected in the manner and form provided for collection of non-ad valorem assessments by chapter 197, Florida Statutes, subject to the conditions of section 197.3632, Florida Statutes. After deducting the fees provided for in section 197.3632, Florida Statutes, the tax collector shall deposit the remaining funds into the depository designated by the board.

Section 9. The non-ad valorem assessment is a valid lien upon each improved residential parcel of land until it has been paid or is barred by chapter 95, Florida Statutes, and is considered a part of the non-ad valorem

assessment for Hillsborough County subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by chapter 197, Florida Statutes, for the collection of such non-ad valorem assessments.

Section 10. The district may be dissolved in accordance with the provisions of section 189.4042, Florida Statutes.

Section 11. If any clause, section, or provision of this act is declared to be unconstitutional or invalid for any cause or reason, it shall be eliminated from this act, and the remaining portion of the act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 12. The provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public.

Section 13. Chapters 98-475, 72-565, 75-385, 81-394, and 84-445, Laws of Florida, are repealed; however, the repeal does not affect the prosecution of any cause of action that accrued before the effective date of the repeal and does not affect rules, actions, decisions, contracts, agreements, obligations, and properties of the district existing before the effective date of the repeal.

Section 14. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.