

## House Bill No. 1417

An act relating to the Twelve Oaks Special District, Hillsborough County; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; deleting provisions that have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition; improving clarity and facilitating correct interpretation; providing notice that the district is an independent special district approved by referendum; adding definitions; providing for election of trustees in non-partisan, biennial elections in even-numbered years; providing for the payment of a qualifying fee; providing for certain exemptions to chapter 106, F.S., relating to campaign financing; providing a transition schedule; revising ballot language requirements; providing the date trustees take office; providing for the appointment of trustees under certain circumstances; providing that the board is a public body and shall conduct its business accordingly; providing an exception for the disbursement of certain funds; conforming the law to s. 768.28, F.S., relating to trustees' civil liability and immunity from suit; enumerating the powers and duties of the district in a single section; clarifying and conforming the law to the actual business practices of the district, routine in nature but not previously enumerated, including to insure the facilities, properties, operations, and trustees of the district, to adopt bylaws, to enter into agreements, to operate, supervise, and maintain recreational facilities or enter into arrangements with others for same, to establish, charge, and collect fees for use of the facilities, to employ personnel, to transfer funds among line items, to provide for the creation of a petty cash fund and to make expenditures from same, to create and maintain reserves for certain known or planned expenditures, to invest surplus and reserve funds by resolution in certain accounts, and to adopt bylaws relating to calling special and other meetings; adding new powers, including the power to direct the supervisor to place certain referenda on the ballot, and to perform, when not excepted by this act and when otherwise applicable, duties required by general law relating to special districts and to the levy of non-ad valorem assessments; conforming the law to the requirements of ch. 197, F.S.; providing for the dissolution of the district in accordance with general law; providing a savings clause; repealing chapters 82-305 and 84-438, Laws of Florida, relating to the district; 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 82-305, Laws of Florida, and amendments thereto, which provide for the Twelve Oaks Special District and that it is deemed a codification of

previously existing legislation relating to the Twelve Oaks Special District. Said codification also is to act as a reviser's bill, deleting provisions that have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition; and improving clarity and facilitating correct interpretation. It is also the intent of the Legislature to conform the special act to the extent possible with the requirements of chapter 189, Florida Statutes, relating to special districts; chapter 197, Florida Statutes, relating to non-ad valorem assessments; and subsection (3) of section 768.1355, Florida Statutes, relating to civil liability, and to reflect the actual business practices of the district in instances when those practices have not previously been enumerated as a power or duty of the district.

Section 2. (1) The area described in section 3 is an independent special district approved by referendum on September 7, 1982, is to be called the Twelve Oaks Special District and is located in Hillsborough County, Florida, and has the powers and duties set forth in this act.

(2) Each improved residential parcel is declared to be uniformly and generally benefited by the provisions of this act and shall be assessed equally a non-ad valorem assessment 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. Included in the district are:

(1) Town' N Country Park, Section Nine (9)

<u>UNIT NO.</u>	<u>PLAT BOOK</u>	<u>PAGE NO.</u>
<u>1</u>	<u>44</u>	<u>41</u>
<u>2</u>	<u>44</u>	<u>62</u>
<u>3</u>	<u>44</u>	<u>63</u>
<u>4</u>	<u>44</u>	<u>43</u>
<u>5</u>	<u>44</u>	<u>78</u>
<u>6</u>	<u>44</u>	<u>86</u>
<u>6-A</u>	<u>46</u>	<u>77</u>
<u>7</u>	<u>44</u>	<u>88</u>
<u>8</u>	<u>44</u>	<u>89</u>
<u>9</u>	<u>45</u>	<u>29</u>
<u>10</u>	<u>45</u>	<u>30</u>
<u>11</u>	<u>46</u>	<u>5</u>
<u>11-A</u>	<u>46</u>	<u>86</u>
<u>12</u>	<u>46</u>	<u>28</u>
<u>13</u>	<u>46</u>	<u>90</u>
<u>13-A</u>	<u>46</u>	<u>91</u>

(2) Twelve Oaks Village

<u>UNIT NO.</u>	<u>PLAT BOOK</u>	<u>PAGE NO.</u>
<u>1</u>	<u>47</u>	<u>49</u>
<u>2</u>	<u>47</u>	<u>40</u>
<u>3</u>	<u>48</u>	<u>13</u>

(3) 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 Twelve Oaks Special District.

(4) "Improved residential parcel" means a platted lot or lots on which a single-family home has been erected by January 1 of the taxable year.

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

(9) "Reserve funds" means those moneys held by the district for the repayment of any debt and other obligations created pursuant to subsections (15), (16), and (17) of 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) "Revenues of the district" means moneys acquired through non-ad valorem assessment, fees derived from the use of facilities, and interest income thereon.

(11) "Special district tax" means a non-ad valorem assessment against each improved residential parcel of the district to be expended as provided by this act.

(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 by this act, each of whom shall serve for a term of 2 years and may subsequently be 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 section 189.405(2)(c), Florida Statutes, or shall present a written petition signed by not fewer than fifteen qualified electors within the district to the supervisor during the time period specified by section 99.061(2), Florida Statutes. Any candidate who collects or expends campaign contributions shall do so in accordance with chapter 106, Florida Statutes, but is exempt from those requirements 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 expenditure of funds for the payment of the qualifying fee or 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 prior to 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 section 100.031, Florida Statutes, and in accordance with the Florida Election Code, except as otherwise provided in this act. It is further provided that, in order to provide for an orderly transition to biennial elections, each of the five trustees elected in 1997 or subsequently appointed to fill any remaining term of any of those five 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 prior to 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 Twelve Oaks Special District  
(state 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.

(d) 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, 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 section 100.041(4), 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. Six trustees constitute a quorum, and the board may not conduct official business without a quorum present. A majority of the members present is required for the passage of any resolution coming under consideration by 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. The board shall conduct its business as a public body and is subject to all laws of the state relating to open government, financial disclosure, avoidance of conflicts of interest, and ethics.

(3) 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.

(4) In accordance with section 768.1355(3), 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 to:

(1) Hold an organizational session annually to elect from its membership a president, a vice president, a recording secretary, a corresponding secretary, and a treasurer, each of whom shall be elected for a 1-year term and may be subsequently reelected, 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) Fill for the unexpired term from among the qualified electors of the district any vacancy that may occur on the board by vote of the remaining trustees, including any which may remain after the Governor pursuant to subsection (2) of section 6 or the trustees have made an appointment or appointments as provided in paragraph (a).

(a) 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.

(4) By resolution, designate a depository which is qualified as a public depository pursuant to section 280.04, Florida Statutes, and thereafter establish an account to which the special district tax revenues collected are to be deposited by the tax collector and from which expenditures and transfers to and from reserve and surplus fund accounts may be made.

(5) By November 30 of each year, prepare an annual financial statement of revenues and expenditures during the prior fiscal year.

(6)(a) By July 1 of each year, prepare and adopt 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 publish notice of the time and place of the public hearing one time 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 special district tax to be assessed annually.

(7) 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.

(8) Pay from district funds any costs associated with the holding of any election or referendum as provided by this act.

(9) 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.

(10) Transact the business of the district including expending funds from the depository designated in subsection (4) and any reserve and surplus fund accounts.

(11) Adopt bylaws to carry out the provisions of the act and reasonable regulations for the use of the facilities of the district.

(12) Levy a non-ad valorem assessment, known as a "special 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.

(13) Receive gifts of real or personal property.

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

(15) Incur debt and other obligations on behalf of the district, including issuing bonds, refunding bonds, 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 land, buildings, and other improvements; however, the aggregate amount of all obligations of the district payable in any fiscal year shall not exceed the aggregate amount of all revenue received by the district from all sources during such fiscal year. Such obligations must 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 board, in determining such costs, may include all costs and estimated costs of the issuance of said 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, 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 board finds 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 the trustees find appropriate 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 may determine may be issued to the purchaser or purchasers of the bonds sold pursuant to this act. Said bonds, and such interim certificates or receipts or temporary bonds, shall be fully negotiable.

(16) Secure bonds, notes, or other certificates of indebtedness issued by the district by pledging to the punctual payment of such obligations its non-ad valorem assessment revenues, and 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.

(17) Deliver purchase money notes and mortgages.

(18) Install and maintain facilities and lighting within and adjoining the district and acquire and dispose of other facilities for the general purpose of the district.

- (19) Construct and improve real and personal property of the district.
- (20) Purchase and lease as lessor or lessee real and personal property on behalf of the district and pay for same with cash or, in the case of purchase, by the issuance of bonds or revenue certificates.
- (21) Sell the real and personal property of the district.
- (22) Operate, supervise, and maintain recreational facilities or enter into arrangements with others for such operation and maintenance pursuant to contract, lease, or other agreement.
- (23) Establish, charge, and collect reasonable fees for admission to or use of 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 other facilities and to the payment of bonds, notes, and revenue certificates of the district.
- (24) 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.
- (25) Expend funds to maintain property not necessarily owned by the district.
- (26) 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.
- (27) Remove for absenteeism any trustee who is absent from three consecutive meetings, after due notice and an opportunity to be heard upon charges of absenteeism.
- (28) Sue and be sued except as otherwise provided by this act.
- (29) Transfer funds among line items of the budget, after its adoption, a maximum of 20 percent each fiscal year to meet unforeseen contingencies.
- (30) Establish in its bylaws provisions for creating a petty cash fund and expending moneys from that fund.
- (31) Create and maintain reasonable reserve funds for the repayment of debt and debt service incurred by the board in behalf of the district and for known or planned future expenditures which have been adopted by resolution of the board, which funds may be carried forward from one fiscal year to the next.
- (32) By resolution invest any surplus and reserve funds of the district in accordance with general law relating to financial matters pertaining to political subdivisions and with section 215.44(1), Florida Statutes.
- (33) Establish in its bylaws provisions for calling any other meetings, which provisions shall include the requirement of proper public notice.

(34) Direct the supervisor by resolution 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 law.

(35) Direct the supervisor by resolution 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.

(36) Except as otherwise provided by this act, 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.

(37) Perform other functions necessary to the carrying out of 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 82-305 and 84-438, 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 bylaws, 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.