

## House Bill No. 847

An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

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

Section 1. Intent.—Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Dog Island Conservation District, an independent special district and political subdivision of the State of Florida. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority.

Section 2. Codification.—Chapters 75-374, 79-461, and 84-430, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Dog Island Conservation District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. Legislative intent.—The Legislature finds and declares that the provisions of this act are desirable to guide and accomplish the coordinated, balanced, and harmonious development of Dog Island in Franklin County, in accordance with existing and future needs, to promote the health, safety, and general welfare of the area and its inhabitants, visitors, and property owners, to establish, maintain, and preserve aesthetic values and preserve and foster the development and display of attractiveness, and to prevent congestion and the destruction of natural beauty.

Section 2. Creation of district.—There is created in Franklin County a special district to be known as the Dog Island Conservation District. The district shall include all that portion of Dog Island located in said county east of the westernmost boundary of that section of the island known as Cannon Ball Acres or more specifically described as a line running North 04° 29' 24" W. for 70.49 feet from the CMF marking the West Boundary of Cannon Ball Acres, Lot 34 (unrecorded Sub.) set by Robert A. Bannerman, P.L.S. FLA Cert. No. 3214, and a line running into said CMF marking at N. 05° 39' 16" W. of 144.76 feet.

Section 3. Members; election.—

(1) The governing body of the district shall be the Dog Island Conservation Board consisting of five members, each of whom shall be a citizen of the United States and the owner of the fee simple title to real estate located in the district.

(2) The members of the board shall serve for a term of 2 years and until the election and qualification of their successors. The terms of two members of the board shall expire in odd-numbered years, and the terms of three members of the board shall expire in even-numbered years. The board shall formulate procedures whereby all residents and all freeholders of property in the district as indicated upon the county tax rolls may participate in the election of the members of the board by mail.

Section 4. Powers of board.—The Dog Island Conservation Board is authorized and empowered:

(1) To sue and be sued.

(2) To contract.

(3) To adopt and use a common seal and alter the same at pleasure.

(4) To purchase, hold, lease, sell, or otherwise acquire and convey such real and personal property, and interest therein, as may be necessary or proper to carry out the purposes of this act.

(5) To make rules for its own government and proceedings.

(6) To employ engineers, attorneys, accountants, financial or other consultants, and such other agents and employees as the board may require or deem necessary to accomplish the purposes of this act or to contract for any of such services.

(7) To supplement the general governmental powers of the Board of County Commissioners of Franklin County by constructing, operating, and maintaining the following specialized public functions or services within the Dog Island Conservation District:

(a) To construct, reconstruct, improve, extend, enlarge, repair, and maintain public roads within the district;

(b) To establish set-back requirements for coastal construction, which may be more restrictive than those established pursuant to general law;

(c) To develop and execute plans for beach erosion prevention and control, and restoration and control of the activities relating to the use and maintenance of the beaches and sand dunes which may be important to their preservation and enjoyment, provided that nothing contained herein shall be construed to confer the authority to prohibit or restrict the use of the public beaches for the purpose of commercial fishing;

(d) To establish and maintain such other programs and projects as may be appropriate to the maintaining of the natural beauty and terrain and enjoyment of the lands of Dog Island lying within the district;

(e) To develop and control recreational facilities on the island;

(f) To plan, develop, and implement insect control and eradication programs;

(g) To plan, develop, implement, and construct garbage disposal facilities and programs and to require the use thereof and to regulate waste disposal;

(h) To plan, develop, and implement programs for transportation services on the island and to and from the mainland; and

(i) To plan, develop, and implement programs and systems relating to sanitary sewer service and water supply.

(8) To acquire, construct, operate, maintain, equip, extend, enlarge, or improve capital projects within or without the special district for the purpose of enabling the special district to perform the specialized public functions or services as herein provided.

(9) To issue ad valorem bonds, revenue bonds, special assessment bonds or combinations thereof, to finance the cost of such capital projects, in accordance with the procedures for issuing such revenue or assessment bonds, and levying such special assessments as are set forth in chapters 159 and 170, Florida Statutes, respectively.

(10) To levy and assess ad valorem taxes authorized by law in an amount not in excess of 5 mills on the dollar of the nonexempt assessed value of the property within the district.

(11) To levy and assess ad valorem taxes authorized by law to pay the cost of such specialized public functions or services which are municipal services within the measuring of Section 9(b) of Article VII of the State Constitution.

(12) To fix and collect rates, fees, and other charges for the specialized public functions or services authorized by this act.

(13) To levy and collect special assessments.

(14) To restrain, enjoin, or otherwise prevent the violation of this act or of any resolution or rule adopted pursuant to the powers granted by this act.

(15) To join with any other district or districts, cities, towns, counties, or other political subdivisions, public agencies or authorities in the exercise of common powers, and to contract with municipalities or other private or public corporations or persons to provide or receive such specialized public functions or services.

(16) To require and enforce the use of its facilities whenever and wherever they are accessible.

(17) Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds or other obligations issued under the provisions of this act, to enter into contract with the government of the United States or any agency or instrumentality thereof, or with any county, municipality, district, authority, or political subdivision, private corporation, partnership, association, or individual to effect the purposes of this act and to receive and accept from any federal agency, grants or loans

for or in aid of the performance by the special district of the specialized public functions or services authorized herein.

(18) To accept grants and donations of any type of property, labor, or other thing of value from any public or private source.

(19) To receive the proceeds of any ad valorem taxes hereby authorized.

(20) To receive the revenues from any property or facility owned, leased, licensed, or operated by it or under its control, subject to the limitations imposed upon it by trust or other agreements validly entered into by it.

(21) To have exclusive control of funds legally available to it, subject only to limitations imposed upon it by general law or by any agreement validly entered into by it.

(22) To issue and sell revenue certificates.

(23) To borrow money on its unsecured notes for a period not exceeding 12 months in an aggregate amount for all outstanding unsecured notes not exceeding 50 percent of the unpledged proceeds received during the immediately prior fiscal year from the tax hereby imposed, and at an annual rate of interest not exceeding the rate being charged at the time of loan by banks in Franklin County on unsecured short-term loans to local businesses.

(24) To employ and prescribe the duties, authority, compensation, and reimbursement of expenses of an executive director of the board who shall act as its chief executive officer.

(25) To employ a general counsel, who shall be a member of The Florida Bar, and to employ such other personnel as may be necessary from time to time. Personnel of the board shall not be under any civil service regulations and shall be employed to serve at the pleasure of the board.

(26) To exercise all powers incidental to the effective and expedient exercise of the foregoing powers to the extent not in conflict herewith or inconsistent herewith.

#### Section 5. Assessment of ad valorem taxes.—

(1) No ad valorem taxes may be levied and assessed until a referendum is held approving the same.

(2) The maximum ad valorem tax which may be levied on an annual basis shall be 5 mills.

(3) The board shall meet, establish a budget, and annually determine the necessary millage to be requested. All freeholders of property within the district as indicated upon the county tax rolls and persons residing within the district who are otherwise qualified electors shall be entitled to vote in the referendum to approve the millage, which referendum may, within the discretion of the board, be conducted by mail. If the referendum approves the millage that shall be the millage for the district until such time as it is either increased or reduced again by referendum.

(4) The millage as so determined shall be certified to the Board of County Commissioners of Franklin County by the board, as provided by general law. Taxes shall be assessed and collected by Franklin County based upon the assessed values of the property as determined by the Franklin County Property Appraiser. The proceeds of the tax shall be collected and paid to the board for the exclusive use of the board within the taxing district. Such funds shall be deposited in a bank or banks in Franklin County and shall be administered and disbursed only in accordance with the purposes of this act.

(5) If a referendum relating to the assessment of ad valorem taxes does not pass, no referendum relating to such assessment of ad valorem taxes shall be held again until a period of time of not less than 6 months shall have elapsed from the date of the last referendum relating thereto.

Section 6. Financial provisions.—

(1) All disbursements of funds must be approved by the board and all checks or drafts expending such funds must be signed by the chair of the board and countersigned by the treasurer.

(2) The fiscal year of the district shall coincide with that of Franklin County.

Section 7. Annual meeting.—An annual meeting of the district shall be held in each year during the weekend immediately preceding the Labor Day holiday. The date, hour, and place of the meeting shall be determined within the discretion of the board, provided that the annual meeting shall be held within the limits of the district.

Section 8. Minutes, records, etc.—The bylaws of the board shall provide for the maintenance of minutes and other official records of its proceedings and actions, for the preparation and adoption of an annual budget for each ensuing fiscal year, for internal supervision and control of its accounts, and for an annual financial audit by an independent certified public accountant licensed pursuant to chapter 473, Florida Statutes. A copy of the audit report shall be filed with the Franklin County Commission within 120 days after the end of each fiscal year. The bylaws shall specify the means by which each of these functions is to be performed and as to those functions assigned to board personnel, the manner and schedule of performance.

Section 9. Impairment of bond holders' rights.—It is the intention of the Legislature that this act shall not be amended in the future in any manner which will repeal, impair, or amend in any manner the rights of the holders of any bonds issued by the district or the security of the funds which may be pledged to the payment of principal and interest on bonds issued pursuant to the provisions of this act.

Section 10. Persons deemed to hold fee simple interest and be freeholders.—Any person holding an interest in the title to real property located within the district pursuant to a recorded contract for deed which requires such person to pay the ad valorem taxes on the property shall be deemed for

the purpose of this act to hold a fee simple interest in such real property and to be a freeholder.

Section 4. Repeal of prior special acts.—Chapters 75-374, 79-461, and 84-430, Laws of Florida, are repealed.

Section 5. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 6. Effect of conflict.—In the event of a conflict between the provisions of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.