

## House Bill No. 1047

An act relating to the Municipal Service District of Ponte Vedra Beach, St. Johns County; amending chapter 82-375, Laws of Florida, as amended; providing for District Trustees to notify the Board Chair and Governor in the case of resignation; providing for a notice of a vacancy in the Board of Trustees; providing for appointment of a District Trustee in case of vacancy; providing for creation of subdistricts; providing for taxation of subdistricts; providing that expenditures over a certain amount on capital projects must be approved by electors of the district; providing a limit on amount that may be spent on an unbudgeted capital project; providing a definition; providing for public hearings for proposed amendments to the act every 10 years; providing for a referendum; providing an effective date.

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

Section 1. Section 2 of chapter 82-375, Laws of Florida, as amended by chapter 90-463, Laws of Florida, is amended to read:

Section 2. The following is the charter of the Municipal Service District of Ponte Vedra Beach:

(1) The purpose of the district is to provide services to the public of the district independent of, as well as supplemental to, those services provided by St. Johns County and in cooperation with the function of the county.

(2)(a) The governing body of the district shall consist of a board of seven District Trustees. The original Board of District Trustees shall consist of seven persons residing within the district who are qualified electors of the State of Florida.

(b) At the 1990 general election, seven District Trustees shall be elected by the qualified voters of the district, with three for 2-year terms and four for 4-year terms, and they shall be elected to serve until their successors are elected and qualified. The seats shall be numbered consecutively one through seven. In the 1990 general election, the odd numbered seats shall be elected for terms of 4 years, the even numbered seats for terms of 2 years. The term of office of the District Trustees elected at each succeeding election shall be 4 years. To be eligible for election, a person must reside in the district and be qualified to vote in the district. A trustee may not serve more than two consecutive 4-year terms.

(c) District Trustee candidates seeking election may qualify anytime after noon on the 50th day prior to the first primary, but not later than noon on the 46th day prior to the date of the first primary by filing, without political party affiliation, with the St. Johns County Supervisor of Elections, a petition upon a form approved by the supervisor of elections in accordance with rules adopted by the Division of Elections and signed by not less than 25 eligible voters within the district. Candidates shall specify the seat which they seek by number. The district shall pay all costs of the district elections.

(d) In all elections for District Trustees, which shall be held in conjunction with the first primary and general election, qualified voters shall be persons who reside within the district who are qualified to vote in any general or special election.

(e) Each District Trustee elected pursuant to this section shall take office at the same time as members of the Board of County Commissioners. Each District Trustee, before entering upon his duties, shall take and subscribe to the oath or affirmation required by the State Constitution.

(f) Any District Trustee may be removed from office by the Governor for misfeasance, malfeasance, or willful neglect of duty. In the event of a vacancy in office due to any cause, the Governor shall appoint a qualified successor District Trustee to hold office until the next ensuing general election. A District Trustee who voluntarily resigns his position shall notify the Board Chair and the Governor of said resignation. Upon receipt of notice of a vacancy in any District Trustee position, the remaining District Trustees shall cause a notice of such vacancy to be published in a newspaper of general circulation in the County and a newspaper circulated within the Ponte Vedra Community, not later than 14 days following receipt of notification of a vacancy for any reason. The Governor shall not appoint a successor District Trustee until publication of the notice of said vacancy by the District.

(3)(a) The District Trustees from their number shall annually elect a Chairman, Vice Chairman, and Treasurer, and shall appoint a Secretary who shall serve at the pleasure of the District Trustees. The Secretary, who shall not be a District Trustee, shall receive such compensation as may be fixed by the Board of District Trustees, and shall be the custodian of all books and records of the district. The first meeting in January of each year shall be the Board of District Trustees' organizational meeting.

(b) The Board of District Trustees shall meet at least once a month at a time, date, and place established by the District Trustees. All meetings shall be held at a public place within the district, or outside the district within 1 mile of the boundary of the district, and shall be open to the public. The board shall give reasonable notice of all of its meetings. The board shall keep a record of its meetings, and the record must be available for public inspection.

(c) Four District Trustees shall constitute a quorum at Board of District Trustees' meetings. The affirmative vote of a majority of the District Trustees present shall be necessary for any action taken by the District Trustees; however, no vacancy in the membership of the District Trustees shall impair the right of a quorum to exercise all of the rights and perform all of the duties hereunder.

(d) No District Trustee shall receive compensation, but each District Trustee shall be paid his necessary expenses incurred while engaged in the performance of his duties as prescribed by state statutes.

(e) The St. Johns County Tax Collector shall be ex-officio tax collector for the district and the St. Johns County Supervisor of Elections shall be the ex-officio supervisor of elections of the district.

(f) The Board of District Trustees may appoint such other officers of the district as it deems appropriate and necessary.

(g) Subdistricts may be created within the district in order to provide localized public services. Such subdistricts may be created by formal resolution of the Board of District Trustees, at its discretion, at a regularly scheduled meeting upon receipt by the District Trustees of verified petition(s) signed by at least 1/3 of the registered voters residing in the proposed subdistrict who are qualified to vote in any general or special election, identifying the boundaries of said subdistrict, specifying a project or service requiring establishment of the subdistrict, and including an estimate of the cost thereof prepared by a qualified professional. Creation of said subdistrict is further conditioned upon a determination by the District Trustees that the service or function is within the services and functions authorized herein for the District Trustees, and that the service or function will uniquely benefit the residents of said subdistrict. The Board of District Trustees may, at its discretion, set a separate ad valorem tax rate for the subdistrict, providing that the special levy combined with the general levy for the entire district does not exceed the millage limitation set forth in subsection (4)(j) herein. Upon determination by the Board of District Trustees at a regularly scheduled meeting that certain areas within the district do not receive equal benefit for taxes levied, the board may by formal resolution create a subdistrict within the district for the purpose of levying a uniform tax rate within the subdistrict different from the rate within the district. However, the tax rate in any subdistrict shall never exceed the general rate set for the district.

(4) The district is authorized and empowered:

(a) To sue and be sued;

(b) To contract;

(c) To adopt and use a common seal and alter the same at pleasure;

(d) 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 purpose of this act;

(e) To make rules and regulations for its own government and proceedings;

(f) To employ engineers, attorneys, accountants, financial, or other consultants and such other agents and employees as the Board of District Trustees may require or deem necessary to accomplish the purposes of this law, or to contract for any such services;

(g) To supplement within the district the performance of the following specialized services and functions of the Board of County Commissioners of St. Johns County:

1. The provision of personnel, equipment, and facilities for civil defense, emergency ambulance and rescue service, or funds therefor;

2. Parking restrictions and traffic control;
3. Refuse collection and disposal;
4. Beautification;
5. Cable television;
6. Fire protection;
7. Utilities, including, but not limited to, sewage, water, and lighting;  
and
8. Recreation facilities.

All rules and regulations of the district dealing with parking restrictions and traffic control shall be adopted in conformity with chapter 316, Florida Statutes.

(h) To acquire, construct, operate, maintain, equip, improve, extend, enlarge, or improve capital projects within or without the district for the purposes of enabling the district to perform the specialized public functions or services as herein provided. However, expenditures on any individual capital project, including acquisition of real or personal property, that exceeds a total cost of \$150,000 must first be approved by a voting majority of qualified voters in the district. The Board of District Trustees shall determine the method to be used to determine whether voters approve a capital expenditure or expenditures exceeding \$150,000 and approval of a majority of those voters participating in or responding to the method used by the District Trustees to decide the issue shall be sufficient to approve expenditure of funds exceeding \$150,000 for the project. Whatever method is used to determine voter approval of such expenditure, the District Trustees in presenting the issue to be decided shall generally describe the project to be undertaken by the expenditure and the estimated cost thereof. In addition, the Board of District Trustees shall not expend more than \$50,000 from contingency reserves for any unbudgeted capital project in any fiscal year;

(i) To issue tax anticipation notes and revenue certificates secured only by the anticipated revenues of the district;

(j) To levy and assess ad valorem taxes to pay the cost of such specialized public functions or services authorized in this act; however, such rate of taxation may not exceed three mills, provided that such rate of taxation may not exceed one mill unless such rate is approved by a majority vote of the qualified electors of the district voting at an election called by the District Trustees;

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

(l) 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;

(m) To join with any other district, municipality, county, or other political subdivision, public agency, or authority in the exercise of common powers;

(n) To contract with municipalities or other private or public corporations or persons to provide or receive such specialized public functions or services, including by way of nonexclusive franchise;

(o) To enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any state, 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 state or federal agency, grants or loans for or in aid of the specialized public functions or services authorized herein;

(p) To provide a police department, consisting of one or more police officers with full arrest powers, together with necessary administrative personnel, facilities, and equipment, in addition to and independent of any law enforcement services provided by the Sheriff of St. Johns County. Persons employed by the district as law enforcement officers must meet the qualifications and standards prescribed by general law for such employment;

(q) To contract with the Sheriff of St. Johns County to provide law enforcement services supplemental to those services provided by the Sheriff of St. Johns County; and

(r) To issue bond anticipation notes and revenue bonds in the manner provided by general law for the issuance of revenue bonds and notes by counties to finance projects of the district. Revenue bonds and notes shall be, and shall be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(5) “Contingency reserves,” defined as the amount of funds remaining at the end of the fiscal year less the amount required to operate the district at the beginning of the next fiscal year, shall not exceed \$200,000 in any fiscal year. Any amount of contingency reserves exceeding \$200,000 at the end of any fiscal year must be used to reduce the ad valorem tax levy for the entire district for the following fiscal year.

~~(6)(5)~~ The creation and existence of the district shall not affect the obligations and responsibilities of St. Johns County as to the area encompassed by the district.

~~(7)(6)~~ The charter of the district may be amended, and the district may be dissolved, only by law.

~~(8)(7)~~ The debts of the district shall not constitute a debt of St. Johns County or the State of Florida and shall not be construed to constitute a lien on any real or personal property or income of the county or state. The debts of the district are the sole responsibility of the district.

~~(9)(8)~~ The district may not rescind or modify any contracts, franchises, or ordinances of St. Johns County, and the county shall not have the power

to rescind or modify any validly enacted contracts or franchises or ordinances of the district. However, no act, franchise, or regulation of the district shall be deemed to prevent the county from acting, granting franchises, levying taxes, or regulating similar or the same subject matter within the district.

~~(10)~~~~(9)~~ Unless specifically reserved in this act, St. Johns County shall have no power of review over validly enacted fees, charges, and rules of the district that are enacted pursuant to this act, but to the extent that such fees, charges, or rules are in conflict with an ordinance, franchise, charge, fee, regulation, or rule of the county which also affects areas which are not within the boundaries of the district, such fees, charges, or rules, are void.

~~(11)~~~~(40)~~ Any person who is authorized by the district to write checks or otherwise receive, expend, or handle district funds shall be bonded at the district's expense by a good and sufficient fidelity bond in at least the amount of \$25,000.

~~(12)~~~~(41)~~ The district shall be audited annually at its expense. The district shall comply with financial disclosure and reporting requirements imposed by general law, including chapter 189, Florida Statutes.

~~(13)~~~~(42)~~ For planning and budget purposes, the fiscal year of the district shall commence on October 1 of each year and end on September 30 of the succeeding year.

~~(14)~~~~(43)~~ The budget of the district is not subject to approval by the Board of County Commissioners of St. Johns County.

(15) The District Trustees shall conduct a public hearing to review and consider proposed amendments to this act every 10 years following adoption of this act as amended, provided this does not preclude the District Trustees at their discretion from reviewing this act at other times.

Section 2. This section shall take effect upon becoming a law. Section 1 of this act shall take effect on October 1, 2002, if approved by a majority vote of the electors voting at an election called by the District Trustees and held in conjunction with the first primary election in 2002. A person is eligible to vote at such election if he or she is a qualified elector of the county and resides within the boundaries of the Municipal Service District of Ponte Vedra Beach. The question presented at such election shall be substantially in the following form:

Do you favor amending the Ponte Vedra Municipal Service District charter to provide for:

(1) Reducing the ability of the District Trustees to levy ad valorem taxes to one mill, unless voters approve an expenditure of greater than one mill, up to the maximum of three mills already authorized in the charter;

(2) A \$150,000 limit on capital expenditures for a single project by District Trustees unless a voting majority of district voters approve expenditure of a greater amount;

(3) A limit of \$200,000 on the amount of contingency reserves that may be budgeted by the District Trustees in any fiscal year and requiring that contingency reserves exceeding \$200,000 be used to reduce ad valorem taxes in the following fiscal year;

(4) A prohibition on expenditure of more then \$50,000 on unbudgeted capital projects from contingency reserves;

(5) Discretion for the District Trustees to establish subdistricts having a tax rate greater than the general rate, upon petition for a single project signed by  $\frac{2}{3}$  of registered voters within a proposed subdistrict;

(6) A notification process for vacancies in District Trustee positions; and

(7) Mandatory review by the District Trustees of the charter once every 10 years.

..... FOR the amendments

..... AGAINST the amendments

If section 1 of this act is not approved by a majority vote of the electors voting at the election required by this section, chapter 90-463, Laws of Florida, shall remain in effect.

Approved by the Governor April 23, 2002.

Filed in Office Secretary of State April 23, 2002.