

## House Bill No. 479

An act relating to Pasco County; creating the Lake Padgett Estates Independent Special District; providing a popular name; providing definitions; stating legislative policy regarding creation of the district; providing for creation and establishment of the district and legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for an initial governing board, a board of supervisors, and board membership, meetings, organization, powers, duties, terms of office, per diem, salary, and election requirements; providing for administrative duties of the board, district employees, selection of a public depository, district budgets, financial reports, and reviews; providing for the general powers of the district; providing for the special powers of the district to maintain, operate, and improve community recreational amenities and associated infrastructure and services within the district; providing for borrowing and revenue sources including a referendum to allow for the levying of an ad valorem tax within the district; providing for competitive procurement; providing for required notices to purchasers of real property within the district; providing severability; providing an effective date.

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

Section 1. This act may be cited as the “Lake Padgett Estates Independent Special District Act.”

Section 2. Definitions; policy.—

(1) DEFINITIONS.—As used in this act:

(a) “Assessable improvements” means, without limitation, any and all improvements and community facilities that the district is empowered to provide in accordance with this act that provide a special benefit to property within the district.

(b) “Assessments” means those nonmillage district assessments that include special assessments and maintenance special assessments.

(c) “Board of supervisors” or “board” means the governing board of the district after all members of the board of supervisors have been elected pursuant to the provisions of section 4 or, if such board has been abolished, the board, body, or commission assuming the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(d) “Cost” or “costs,” when used with reference to any project, includes, but is not limited to:

1. The expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction.

2. The cost of surveys, estimates, plans, and specifications.
3. The cost of maintenance, operations, and improvements.
4. Engineering, fiscal, and legal expenses and charges.
5. The cost of all labor, materials, machinery, and equipment.
6. The cost of all lands, properties, rights, easements, and franchises acquired.
7. Financing charges.
8. The creation of initial reserve and debt service funds.
9. Working capital.
10. Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.

11. The cost of any tax referendum held pursuant to this act.

12. Administrative expenses.

13. Such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project, to the financing thereof, or to the development of any lands within the district.

14. Payments, contributions, dedications, and any other exactions required as a condition of receiving any governmental approval or permit necessary to accomplish any district purpose.

(e) "District" means the Lake Padgett Estates Independent Special District.

(f) "District recreational amenities and associated infrastructure" means all existing and future parks, open-space areas, lakes, signage, structures, and future improvements of all kinds to said amenities located within the district.

(g) "Initial governing board" means the Pasco County Board of Commissioners, which shall govern the district until the election of the board of supervisors pursuant to section 4.

(h) "Lake Padgett Estates Independent Special District" means the unit of special and single-purpose local government created and chartered by this act, including the creation of its charter, and limited to the performance, in implementing its single purpose, of those general and special powers authorized by its charter under this act, the boundaries of which are set forth by the act, the governing head of which is created and authorized to operate with legal existence by this act, and the purpose of which is as set forth in this act.

(i) “Landowner” means the owner of a freehold estate as it appears on the deed record, including a trustee, a private corporation, and an owner of a condominium unit. “Landowner” does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. “Landowner” also means the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years.

(j) “Maintenance special assessments” means assessments imposed, levied, and collected pursuant to the provisions of section 6.

(k) “Non-ad valorem assessment” means only those assessments which are not based upon millage and which can become a lien against a home-  
stead as permitted in s. 4, Art. X of the State Constitution.

(l) “Powers” means powers used and exercised by the board of supervisors to accomplish the single, limited, and special purpose of the district, including:

1. “General powers,” which means those organizational and administrative powers of the district as provided in this charter in order to carry out its single special purpose as a local government public corporate body politic.

2. “Special powers,” which means those powers enumerated by the district charter to maintain, operate, and improve recreational amenities and associated infrastructure and related functions in order to carry out its single specialized purpose.

3. Any other powers, authority, or functions set forth in this act.

(m) “Project” means any improvement, property, facility, enterprise, service, works, or infrastructure now existing or hereafter undertaken or established under the provisions of this act.

(n) “Qualified elector” means any registered voter residing within the district boundaries.

(o) “Signage” means any entranceway signage or features and all signage within the district associated with the recreational amenities of the district.

(p) “Special assessments” means assessments as imposed, levied, and collected by the district for the costs of assessable improvements pursuant to the provisions of this act, chapter 170, Florida Statutes, and the additional authority under section 197.3631, Florida Statutes, or other provisions of general law, now or hereinafter enacted, which provide or authorize a supplemental means to impose, levy, or collect special assessments.

(q) “Taxes” or “tax” means those levies and impositions, authorized by a vote of the qualified electors of the district, of the board of supervisors that support and pay for government and the administration of law and that may be ad valorem or property taxes based upon both the appraised value of property and millage at a rate uniform within the jurisdiction.

(2) POLICY.—Based upon its findings, ascertainties, determinations, intent, purpose, and definitions, the Legislature states its policy expressly:

(a) The district and the district charter, as created in this act, with its general and special powers, are essential and the best alternative for maintaining, operating, and improving the recreational amenities and associated infrastructure in the district.

(b) The district, which is a local government and a political subdivision, is limited to its special purpose as expressed in this act, with the power to maintain, operate, improve, and finance as a local government management entity its recreational amenities and associated infrastructure and services, and possess financing powers to fund its management power over the long term and with sustained levels of high quality.

(c) The creation of the Lake Padgett Estates Independent Special District by and pursuant to this act, and its exercise of its management and related financing powers to implement its limited, single, and special purpose, is not a development order and does not trigger or invoke any provision within the meaning of chapter 380, Florida Statutes, and all applicable governmental planning, environmental, and land development laws, regulations, rules, policies, and ordinances apply to all development of the land within the jurisdiction of the district as created by this act.

Section 3. Legal description of the Lake Padgett Estates Independent Special District.—The metes and bounds legal description of the district is as follows:

A portion of Sections 19, 20 & 30, Township 26 South, Range 19 East, Pasco County, Florida being described as follows:

Begin at the Northwest corner of said Section 19, run thence South 00°43'18" West, along the West line of said Section 19, a distance of 5,119.41 feet; Thence South 88°50'58" East, a distance of 1,102.22 feet; Thence South 00°51'34" West, a distance of 100.01 feet; thence South 88°51'24" East, along the South line of said Section 19, a distance of 181.42 feet; Thence South 18°44'16" East, a distance of 526.27 feet; to the West line of the Northeast ¼ of the Northwest ¼ of Section 30, Township 26 South, Range 19 East; thence South 01°14'05" West, along the West line of the Northeast ¼ of the Northwest ¼ of said Section 30, a distance of 823.69 feet to the South line of the Northeast ¼ of the Northwest ¼ of said Section 30, run thence South 88°59'33" East, a distance of 1343.37 feet; to the West line of Park Tract of Lake Padgett Estates South Unit Two as recorded in Plat Book 13, Pages 137-139 of the Public Records of Pasco County, Florida, also being the West Boundary of the Northwest ¼ of the Northeast ¼ of said Section 30; Thence North 00°49'49" East along said West line, a distance of 1,315.26 feet to the South line of said Section 19, also being the South boundary line of Valencia Gardens Phase Three as recorded; Thence North 88°47'25" West along said South line of Section 19, a distance of 11.84 feet to the West boundary of said Valencia Gardens Phase Three, Thence run North 00°16'12" East along said West boundary of Valencia Gardens Phase Three, a distance of 1,317.39 feet to the North boundary of said Valencia Gardens Phase

Three; Thence South 88°44'56" East along said North boundary of Valencia Gardens Phase Three, a distance of 2,662.48 feet; Thence South 89°27'44" East, a distance of 651.97 feet to the West line of the right-of-way of Collier Parkway as recorded in the Official Records Book 1824, Page 1234; Thence run North 05°16'09" East along said West Line of the right-of-way of Collier Parkway, a distance of 297.38 feet; Thence North 86°18'32" West, a distance of 66.02 feet; Thence North 89°42'44" West to the Westerly Boundary of Collier Place as recorded in Plat Book 35, Pages 37-39 of the Public Records of Pasco County, Florida, a distance of 817.90 feet; Thence North 27°08'25" West, a distance of 88.63 feet; Thence North 00°25'14" East, a distance of 391.01 feet; Thence North 37°00'57" East, a distance of 520.22 feet; Thence North 35°41'05" East, a distance of 138.96 feet; Thence North 00°57'10" East, a distance of 379.43; Thence North 50°28'38" East, a distance of 205.65 feet; Thence North 00°40'29" East, a distance of 106.14 feet; Thence North 45°39'30" West, a distance of 348.39 feet; Thence North 89°41'20" West, a distance of 598.63 feet; Thence South 00°55'00" West, a distance of 100.01 feet; Thence North 89°20'18" West, a distance of 1,255.51 feet; Thence N00°54'33 East, a distance of 1270.03 feet; Thence South 89°17'01" East, a distance of 99.98 feet; Thence North 00°55'14" East, a distance of 150.02 feet to the North line of Section 19, Township 26 South, Range 19 East; Thence along said North line of said Section 19 North 88°42'23" West, a distance of 155.04 feet; Thence South 00°13'06" West, a distance of 49.87 feet; Thence North 89°34'34" West, a distance of 50.00 feet; Thence North 00°17'06" East, a distance of 50.25 feet to North line of said Section 19; Thence along the North line of said Section 19 North 89°11'04" West, a distance of 3,455.90 feet; Thence North 89°27'48" West; a distance of 13.88 feet to the POINT OF BEGINNING.

#### AND

A portion of Sections 24 & 25, Township 26 South, Range 18 East, Pasco County, Florida being described as follows:

Begin at the Northwest corner of Section 19 Township 26 South, Range 19 East, run thence South 00°43'18" West, along the West line of said Section 19, a distance of 5,097.53 feet; to the South line of Section 24, Township 26 South, Range 18 East also being the North line of Section 25, Township 26 South, Range 18 East, Thence run along South line of said Section 24, North 89°29'16" West, a distance of 1,672.72 feet; Thence South 00°24'04" West; a distance of 659.90 feet; Thence South 89°24'42" East, a distance of 328.18 feet; Thence South 00°20'51" West, a distance of 329.89 feet; Thence North 89°23'22 West, a distance of 656.92 feet; Thence North 00°26'49" East, a distance of 989.53 feet to the South line of said Section 24, also being the said North line of said Section 25; Thence run along North 89°29'16" West, a distance of 655.25 feet; Thence North 01°20'40" East; a distance of 1,998.05 feet to the South line of the Northwest  $\frac{1}{4}$  of the North  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 24, Township 26 South, Range 18 East; thence along the said South line South 89°09'28" East, a distance of 688.44 feet to the East line of the said Northwest  $\frac{1}{4}$ ; Thence along said East line North 01°19'43" East, a distance of 664.55 feet to the South line of the Northeast  $\frac{1}{4}$  of Section 24, Township 26 South, Range 18 East to the West line of the

East ½ of the Northeast ¼ of Section 24, Township 26 South, Range 18 East; Thence S 88°56'38" East, a distance of 651.04 feet; thence along said West line North 00°39'22" East, a distance of 1,326.47 feet; Thence South 88°45'13" East, a distance of 626.59 feet; Thence North 00°40'31 East, a distance of 695.05 feet; Thence South 88°34'46" East, a distance of 25.01 feet; Thence North 00°40'23" East, a distance of 600.91 feet the North line of Section 24, Township 26 South, Range 18 East; Thence along said North line South 88°45'18 East, a distance of 655.33 feet; Thence South 01°48'11" West, a distance of 160.83 feet; Thence North 89°27'48" West, a distance of 13.88 feet to the POINT OF BEGINNING.

Containing 33,768,142 square feet or 775.21 acres more or less.

Section 4. Initial governing board; board of supervisors; members and meetings; organization; powers; duties; terms of office; related election requirements.—

(1)(a) Upon the effective date of this act, the Pasco County Board of Commissioners shall become the initial governing board of the district and remain so until the succeeding board of supervisors is elected at the general election of November 2006 as provided for in this section.

(b) The governing board may exercise the following powers:

1. Levy annual assessments not to exceed \$250 per parcel lying within the district.

2. Accept the transfer of property owned by Pasco County and lying within the boundaries of the district as same is transferred to the district from Pasco County.

3. Maintain and operate the recreational amenities and associated infrastructure of the district.

4. Approve and adopt a budget for the fiscal year 2006-2007.

5. Accept the transfer of all Lake Padgett Estates Municipal Service Unit funds and assets purchased with said fund moneys held by Pasco County as same is transferred to the district from Pasco County.

(2)(a) The board of supervisors shall exercise the powers granted to the district pursuant to this act. The board shall consist of five members, each of whom shall hold office for a term of 2 years or until a new board is elected by the qualified electors of the district at the general election in November every 2 years. Members of the board must be citizens of the United States and qualified electors residing within the district.

(b) Elections of board members by qualified electors held pursuant to this subsection shall be conducted by the supervisor of elections and comply with the Florida Election Code, chapters 97-106 and chapter 189, Florida Statutes, and the Rules of the Division of Elections. Board members shall assume office on the second Tuesday following their election.

(3) Members of the board of supervisors shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office

as prescribed by section 876.05, Florida Statutes. Members of the board shall be subject to ethics and conflict of interest laws of the state that apply to all local public officers. They shall hold office for terms of 2 years each and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill each vacancy by an appointment for the remainder of the unexpired term.

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

(5) A majority of the members of the board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the district shall be upon a vote of a majority of the members present, but not less than three votes, unless general law or a rule of the district requires a greater number.

(6) As soon as practicable after each election, but by the first Monday in December, the board shall organize by electing one of its members as chair and one of its members as vice chair, and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary. Business of the board shall be conducted pursuant to Robert's Rules of Order and the chair's powers shall be as described in said rules.

(7) The board shall keep a permanent record book entitled "Record of Proceedings of Lake Padgett Estates Independent Special District," in which shall be recorded minutes of all meetings, resolutions, proceedings, bonds given by all employees, and any and all corporate acts. The record book and all other district records shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the board in a designated location within the district.

(8) Each member of the board shall be entitled to receive for his or her services an amount not to exceed \$50 per meeting of the board of supervisors, not to exceed \$1,200 per year per member, or an amount established by the district's qualified electors at referendum. In addition, each member shall receive travel and per diem expenses as set forth in section 112.061, Florida Statutes.

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

(10) The board shall, by December 31, 2006, enter into intergovernmental agreements, as authorized by chapter 163, Florida Statutes, with the Pasco County Property Appraiser and the Pasco County Tax Collector for the assessment, collection, and distribution of ad valorem taxes, special assessments, and maintenance special assessments as may be imposed by the board pursuant to this act.

Section 5. Board of supervisors; administrative duties; general and special powers.—

(1) DISTRICT MANAGER, EMPLOYEES, AND TREASURER.—The board may employ and fix the compensation of a district manager, employees, and a treasurer pursuant to the requirements of section 190.007, Florida Statutes.

(2) PUBLIC DEPOSITORY.—The board is authorized to select as a depository for its funds any qualified public depository as defined in section 280.02, Florida Statutes, which meets all the requirements of chapter 280, Florida Statutes.

(3) BUDGET; REPORTS AND REVIEWS.—

(a) The district shall provide financial reports in such form and such manner as prescribed pursuant to this act, chapters 189 and 218, Florida Statutes, and section 190.008, Florida Statutes.

(b) On or before July 15 of each year, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include, at the direction of the board, an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be not fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted prior to October 1 of each year.

(c) At least 60 days prior to adoption, the board shall submit to the Pasco County Board of County Commissioners, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year, and the board of county commissioners may submit written comments to the board of supervisors solely for the assistance and information of the board in adopting its annual district budget.

(4) DISCLOSURE OF PUBLIC FINANCING.—The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing of the maintenance, operation, and improvement of the recreational amenities and associated infrastructure undertaken by the district. Such information shall be made available to all existing residents and all prospective residents of the district. The district shall furnish each landowner within the district a copy of that information.



(5) GENERAL POWERS.—The district shall have, and the board may exercise, the general powers as provided for in section 190.011, Florida Statutes, where not inconsistent with the following:

(a) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in general law applicable to independent special districts.

(b) To maintain an office at such place or places as the board of supervisors designates in Pasco County, and within the district when facilities are available.

(c) To borrow money and issue certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such taxes and assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(d) To determine, order, levy, impose, collect, and enforce assessments pursuant to this act and chapter 170, Florida Statutes, pursuant to authority granted in section 197.3631, Florida Statutes, or pursuant to other provisions of general law which provide or authorize a supplemental means to order, levy, impose, or collect special assessments. Such special assessments, in the discretion of the district, may be collected and enforced pursuant to the provisions of sections 197.3632 and 197.3635, Florida Statutes, and chapters 170 and 173, Florida Statutes, or as provided by this act, or by other means authorized by general law now or hereinafter enacted.

(e) To exercise such special powers and other express powers as may be authorized and granted by this act in the charter of the district, including powers as provided in any interlocal agreement entered into pursuant to chapter 163, Florida Statutes.

(f) The district shall not have the power of eminent domain.

(6) SPECIAL POWERS.—The district shall have, and the board may exercise, the following special powers to implement its lawful and special purpose and to provide, pursuant to that purpose, recreational amenities and to operate, maintain, and improve said amenities and associated infrastructure, each of which constitutes a lawful public purpose when exercised pursuant to this charter, subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special districts having authority with respect to any area included therein, and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, finance, fund, and maintain improvements, systems, facilities, services, works, projects, and infrastructure. Any or all of the following special powers are granted by this act in order to implement the special purpose of the district:

(a) To provide district parks and open space and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, passive and active recreational areas, lakes, and canals,

containing picnic shelters, boat ramps and docks, volleyball, basketball, tennis, horseshoe, and shuffleboard courts, playgrounds and open space, wildlife habitat, including the maintenance of any plant or animal species, mitigation areas, landscaping and irrigation, bicycle lanes, jogging paths, riding trails, regulatory or informational signage, and all other customary elements of such park and open-space areas and any related interest in real or personal property.

(b) To provide buildings, structures, and like improvements and the continued maintenance, operation, and improvement thereof. This special power includes, but is not limited to, bathroom facilities, maintenance buildings, lighting and security facilities such as walls and guardhouses, parking areas, wildlife observation towers, stables, and stormwater facilities necessary and incidental to the recreational amenities, and associated infrastructure or any other project authorized or granted by this act.

(c) To establish and create, at noticed meetings, such governmental departments of the board of supervisors of the district, as well as committees, task forces, boards, or commissions, or other agencies under the supervision and control of the district, as from time to time the members of the board may deem necessary or desirable in the performance of the acts or other things necessary to exercise the board's general or special powers to implement an innovative project to carry out the special purpose of the district as provided in this act and to delegate the exercise of its powers to such departments, boards, task forces, committees, or other agencies and such administrative duties and other powers as the board may deem necessary or desirable, but only if there is a set of expressed limitations for accountability, notice, and periodic written reporting to the board that shall retain the powers of the board.

The enumeration of special powers herein shall not be deemed exclusive or restrictive but shall be deemed to incorporate all powers express or implied necessary or incident to carrying out such enumerated special powers, including also the general powers provided by this charter to the district to implement its single purpose. Further, the provisions of this subsection shall be construed liberally in order to carry out effectively the special purpose of this district under this act.

#### Section 6. Borrowing; revenue.—

(1) BORROWING.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear interest as the board determines, not to exceed the maximum rate allowed by general law, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times and to bear such interest as the board may determine, not to exceed the maximum rate allowed by general law, and to be sold or discounted at such price or prices not less than 95 percent of par

value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the electors residing in the district shall not be necessary except when required by the State Constitution.

(2) AD VALOREM TAXES; ASSESSMENTS, MAINTENANCE SPECIAL ASSESSMENTS, AND SPECIAL ASSESSMENTS.—

(a) Ad valorem taxes.—The board of supervisors shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to maintain, operate, and perform improvements of recreational amenities and associated infrastructure. An ad valorem tax levied by the board for operating purposes shall not exceed 3 mills. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and at the same time as county taxes and as provided for by the intergovernmental agreements required in section 4 of this act. The levy of ad valorem taxes must be approved by referendum as required by Section 9 of Article VII of the State Constitution.

(b) Enforcement of taxes.—The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes; and the provisions of the laws of the state relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith shall be applicable to the district to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes. All taxes provided for in this act shall become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

(c)1. Maintenance special assessments.—To maintain and preserve the recreational amenities and associated infrastructure of the district, the board may levy a maintenance special assessment.

2. Special assessments.—To operate and improve the recreational amenities and associated infrastructure of the district, the board may levy a special assessment.

Assessment may be evidenced and certified to the property appraiser by the board of supervisors by a date each year as determined by interlocal agreement and shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds therefrom shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using a method prescribed in section 197.363, section 197.3631, section 197.3632, or section 197.3635, Florida Statutes, or chapter 173, Florida Statutes, for collecting and enforcing these assessments. These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like

manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under this section shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which shall be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

(d) Land owned by governmental entity.—Except as otherwise required by law, the district shall not levy ad valorem taxes or non-ad valorem assessments under this act or chapter 170 or chapter 197, Florida Statutes, on property of a governmental entity located within the district.

(3) TAX LIENS; PAYMENT OF TAXES AND REDEMPTION OF TAX LIENS BY THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE; FORECLOSURE OF LIENS.—The foregoing shall be as prescribed in sections 190.024, 190.025, and 190.026, Florida Statutes, and subject to all other requirements of law.

(4) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION AND MODIFICATIONS.—The district is authorized to prescribe, fix, establish, and collect reasonable user fees, rentals, or other charges, and to revise the same from time to time, for the use of the recreational amenities and associated infrastructure furnished by the district pursuant to the adoption procedure prescribed by section 190.035, Florida Statutes. Such user fees, rentals, and charges shall be just and equitable and uniform for users of the same class and, when appropriate, may be based or computed either upon the amount of service furnished, upon the average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

(5) RECOVERY OF DELINQUENT CHARGES.—In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the district in a civil action.

(6) ENFORCEMENT AND PENALTIES.—The board or any aggrieved person may have recourse to such remedies in law and at equity as prescribed in section 190.041, Florida Statutes.

Section 7. Procurement; suits; exemption of district property; modifications to district boundaries; notice to purchasers.—

(1) PROCUREMENT.—Competitive procurement, bids, and negotiations shall be as prescribed in section 190.033, Florida Statutes, and subject to all other requirements of law.

(2) SUITS.—Suits against the district as described in section 190.043, Florida Statutes, shall be subject to the limitations provided in section 768.28, Florida Statutes.

(3) EXEMPTION OF DISTRICT PROPERTY FROM EXECUTION.—All district property shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues.

(4) TERMINATION, CONTRACTION, OR EXPANSION OF THE DISTRICT.—

(a) The board may ask the Legislature through its local legislative delegations in and for Pasco County to amend this act to contract, to expand or to contract, and to expand the boundaries of the district by amendment of this act.

(b) The district shall remain in existence until:

1. The district is terminated and dissolved pursuant to amendment to this act by the Legislature.

2. The district has become inactive pursuant to section 189.4044, Florida Statutes.

(5) INCLUSION OF TERRITORY.—The inclusion of any or all territory of the district within a municipality does not change, alter, or affect the boundary, territory, existence, or jurisdiction of the district.

(6) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED DISCLOSURE TO PURCHASER.—Subsequent to the creation of the district under this act, each contract for the sale of a parcel of real property within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: “THE LAKE PADGETT ESTATES INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE OPERATION, MAINTENANCE, AND IMPROVEMENT COSTS OF CERTAIN RECREATIONAL AMENITIES AND ASSOCIATED INFRASTRUCTURE AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE BOARD OF SUPERVISORS OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.”

(7) NOTICE OF CREATION AND ESTABLISHMENT.—Within 30 days after the election of the first board of supervisors, the district shall cause to be recorded in the grantor-grantee index of the property records of Pasco County a “Notice of Creation and Establishment of the Lake Padgett Estates Independent Special District.” The notice shall, at a minimum, include the legal description of the property covered by this act.

Section 8. If any provision of this act is determined unconstitutional or otherwise determined invalid by a court of law, all the rest and remainder of the act shall remain in full force and effect as the law of this state.

Section 9. This act shall take effect July 1, 2006, except that the provisions of this act which authorize the levy of ad valorem taxation shall take effect only upon express approval by a majority vote of those qualified electors of the Lake Padgett Estates Independent Special District voting in a referendum election held at such time as all members of the board of supervisors are qualified electors who are elected by qualified electors of the district as provided in this act.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.